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POLITICIANS WIN AGAIN IN SAN DIEGO COUNTY

COUNTY MANAGER CHARTER DEFEATED BUT BY MUCH REDUCED MAJORITY

BY CHARLES HOOPES

San Diego, California

Our readers will remember that the San Diego county manager charter, when first up in 1917, was defeated by a vote of more than two to one. Following revelations by a grand jury a second manager charter was presented this year. The campaign was marked by the united opposition of city and county politicians although there was little actual criticism of charter provisions. It is another evidence of how strongly the politicians are entrenched in our unreconstructed counties. :: ::

SAN DIEGO county has been trying for several years to change its form of government. It is at present governed by the county government act. In other words it is governed by the state legislature and the local political ring.

"POCKET DISTRICTS"

In January of this year a board of freeholders was elected to draft a home rule charter for San Diego county. This charter provided for a county manager although he was given the title of controller. He was to be selected by a board of supervisors of nine members elected by districts. The composition of the board of supervisors alone was sufficient to arouse the antagonism of the vested political interests. For many years the county has been divided into five supervisorial districts and the population is so distributed that 125,000 are congested around San Diego Bay, while some 25,000 are scattered throughout the rest of the county. These are so "gerrymandered" that the political control has passed into the hands of a few who are able to perpetuate themselves in office by controlling the elections in a few pocket districts.

In California, it is mandatory upon grand juries, empanelled in the even year, to investigate all county business, accounting, etc., and report their findings. Several grand juries in the state reported such unbusinesslike methods that in 1909 the constitution was

amended. Counties were allowed, by this amendment, to have charters similar to those of cities. In 1912 the San Diego county grand jury employed expert accountants to report on the business methods of the county. Upon this report they based some severe criticisms of county affairs and suggested that a charter might be the solution of the problem. For several years, the citizens tried to arouse the local politicians and obtain relief from the known evils, but without result.

POLITICIANS FORGET THEIR DIFFERENCES

Finally a board of freeholders was elected and a charter framed. In 1917 this was offered to the people. This charter was opposed by the county organization. The campaign was heated and the charter was defeated by a vote of two and one half to one. But as soon as possible the movement was once more inaugurated and the charter of 1923 was the result. During the time that this charter was being framed the grand jury of 1922 made a report and found the same conditions as did the jury of 1912.

The county organization was badly frightened. They raised a large sum of money and succeeded in allying with themselves the city organization, their argument being, "If we're ousted your turn will come next." The county charter also opened the way for a consolidation of some city and county offices. The assessors' office, in both county and city, have much influence and they joined issue against the charter.

THE CAMPAIGN

During the campaign there was little actual criticism of charter clauses. The opposition employed several attorneys who were also politicians, and in their statements and circulars they painted pictures of the many untoward things that might happen if the charter carried. Their campaign was based upon sophistry rather than facts, and the charter was seldom discussed upon its merits. The facts were that the charter was a simple business instrument, carefully framed by successful business men with the aid of competent legal advice. A county manager, purchasing agent, road engineer, a proper system of accounting and the re-districting of the county were the important features.

The campaign was heated. The opposition raised much money and all professional politicians and officeholders, both city and county, took active part in the fight. They even dominated the schools, and many teachers took up the fight at the instigation of the officials. In spite of the strenuous campaign which they waged, however, and the money which they spent, they won by the small margin of some 1,800 votes. In California it requires a majority only, and it is evident that the entrenched organization had a narrow squeak.

The citizens who want a charter are planning to revive the movement immediately.

REPRESENTATION OF INTERESTS IN ADMINISTRATION

BY JAMES D. BARNETT
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Do we already have P. R. in state and national government? Or is it guild socialism? :: :: :: :: :: :: :: ::

WHILE the recognition of the various economic interests of the community was originally the essence of representative government, the modern democratic movement has resulted in nearly obliterating constitutional arrangements for class distinctions in legislative bodies, and the reappearance of the ancient principle of representation in the Russian "soviet" system has been widely regarded as evidence of political degeneration. In view of this situation it seems very remarkable indeed that this principle has been applied to an increasing extent in recent years in the organization of administrative authorities in the United States. This development has been wholly sporadic, but there are now numerous illustrations of the application of the principle in state administration.

I

In Oregon alone there is a statutory provision for the representation of various economic interests on ten state boards and one county board. Thus, three labor boards, the state board of conciliation and arbitration, the industrial welfare commission, and the state industrial accident commission, are each composed of representatives of labor, capital, and the public. The statute establishing the accident commission declares: "Inasmuch as the duties to be performed by such commissioners vitally concern the employers, the employees, as well as the whole people, of the state, it is hereby declared to be the purpose of this act that persons shall be appointed as commissioners who shall fairly represent the interests of all concerned in its administration." In addition to three *ex-officio* members, the state board for vocational education contains "one member representing agriculture, one member representing the employers of labor, one member representing the employees, and one member (a woman) representing home interests." Various agricultural interests are represented on other boards. Five members of the state board of forestry are appointed upon the nomination of the Oregon State Grange, the Oregon Forest Fire Association, the Oregon and Washington Lumber Manufacturers' Association, the United States Forest Service, and the Oregon Woolgrowers' Association. The governor and the head of the school of forestry of the agricultural college represent the state on the board. Six members of the state livestock sanitary board are appointed upon the nomination of the executive committee of the Oregon Woolgrowers' Association, the Purebred Livestock Association, and the Oregon State Dairymen's Association. The secretary of the state board of health represents the public. The state lime board consists of five members, two appointed at large, and three upon the nomination

of the executive officers of the State Grange, the Farmers' Educational Co-operative Union, and the Oregon Taxpayers' League. The state pure seed board consists of one member connected with the state agricultural experiment station, one "following the occupation of a farmer for a living," and one who is a dealer in seeds. The brand inspector of the Union Stockyards, and two "practical range stockmen" make up the advisory livestock brand adjusting board. One of the thirteen regents of the state agricultural college is the master of the State Grange, and the appointive member of the county fair boards is nominated by the agricultural and horticultural societies and the granges of the county.

II

There are a number of examples of similar representation of interests on federal boards. Although the law does not recognize the interests concerned in the organization of the United States board of mediation and conciliation, the railroad labor board is made up of three members, constituting the labor group, nominated by the employees and subordinate officials of the carriers; three members, constituting the management group, nominated by the carriers; and three members, constituting the public group, representing the public.

Besides four *ex-officio* members, the federal board for vocational education contains three others, representing manufacturing and commercial interests, agricultural interests, and labor respectively. The organization of the federal reserve board was recently changed to accord with the same principle. In selecting the six appointive members, the president is directed to have "due regard to a fair representation of the financial, agricultural, industrial and commercial interests, and geographical divisions of the country."

III

Apparently the application of this principle to administrative organization aroused no opposition as an heretical departure from the policy of representation of the "public" interests alone in governmental organization until the reorganization of the federal reserve board—at first demanded only for the *agricultural* interests. Some earlier opposition has been noticed, but this has been based upon objection to the limitations of the executive in the appointment of officials for whom he is responsible. Otherwise this sort of organization has apparently been generally accepted as wholly proper. However, when the reserve board was being reorganized the principle of "class" representation involved was severely criticised. The "classes" desire representation here in order to share in the *determination of policies*. So it was said in congress: "The federal reserve system is governed by the federal reserve board. That is to say, its policies are largely determined by the board. Therefore, agriculture, being one of the great basic industries of the nation, should have a voice in determining those policies." And, further: "When the cattle industry and the cotton industry and the grain industry are in distress and need financial aid and have to call on the federal reserve banking system, we want a real farmer on the federal reserve board to look after their interests." But this was opposed as a step in the wrong direction: "It will break down the [present] system and give support to the idea that we must have special classes represented on boards appointed under the federal government. . . . The proposal here means a breaking down of the system which has hereto-

fore prevailed, a departure from a set policy and the establishment of a precedent destructive and un-American in the extreme." However, the reorganization was effected, and precedent in this direction was thereby strengthened.

If the representation of economic interests for *administration* is accepted, can it be logically rejected for legislation? One member of congress thought not: "The fact that the framers of the law have been compelled to concede that the agricultural interests as such require representation on the personnel of the financial agency of the country may some day lead the farmer to understand that to be truly represented he must have spokesmen whose interests are identical with his. And if he is to have spokesmen on the financial board of the government, why not in the legislative branch of the government?"

LEAGUES OF MUNICIPALITIES

BY DON C. SOWERS
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A description of the organization and work of the twenty state leagues.

THE efficiency of a public official depends to a great extent upon his knowledge of municipal affairs or his ability to acquire that knowledge easily and quickly. Immediately upon taking office the public official is called upon to make decisions regarding a wide variety of public questions, many of which he has never before had occasion to consider and consequently knows little or nothing about them. Perhaps no executive of any private business is required to make decisions on such a wide variety of subjects as are the officials of an American city. The most pressing need, therefore, of every conscientious public official, who is called upon to enact ordinances and local regulations affecting the well-being of the people of his community, is information.

The officials of the New York State Conference of Mayors and other officials spent four years in searching for methods of increasing their effectiveness before they finally concluded that their chief need was a clearing house for information. They realized that it was only in this way that the duplication of time, labor and expense of obtaining information could be avoided. Such a bureau was established in New York state in 1915, and after 18 months' operation the bureau council made this announcement: "We believe that we have in the bureau the most effective implement of warfare yet devised against inefficiency in municipal service."

TWENTY STATE LEAGUES

The plan which has been most widely adopted for supplying this basic need for information is through the organization of all the cities of the state into a league of municipalities. Such a league either establishes a bureau of information independently or maintains such a bureau in co-operation with the state university. Three municipal leagues operate independent bureaus, viz., New York, California and New Jersey. Sixteen municipal leagues either maintain bureaus of municipal information

or co-operate with universities in operating them. In most cases the secretary of the bureau of government at the university acts as secretary-treasurer of the league, and the expense is borne partly by the league and partly by the university. Among the most active municipal leagues operated in this way are Indiana, Illinois, Kansas, Minnesota, Michigan, North Carolina, Oklahoma, Texas and Wisconsin.

At present there are about 20 active state leagues of municipalities. The California and Iowa leagues are the oldest. Both were organized in 1898. The first conference of California cities was attended by 29 officials representing 13 cities. The present membership comprises 240 cities. Each member city pays an annual membership fee ranging from $10 to $60 according to the population which produces a budget of about $4,500. The monthly publication is *Pacific Municipalities*. The Iowa league is the largest, with a membership of 561 cities.

STATISTICS ON STATE LEAGUES

A questionnaire was sent to all the leagues in other states asking for information regarding their work. Replies were received from these leagues in all states. Part of the information is summarized in the following table:

COMMON CHARACTERISTICS

Objects.—The objects of the leagues are to study the needs of the cities and to promote the application of the best methods in all branches of municipal service; to secure legislation which will promote the interest of cities and oppose legislation which is deemed injurious; to hold conferences at which views and experiences may be exchanged; to maintain a free bureau of information.

Membership.—Any city of the state is eligible to membership and may become a member on application and payment of the annual membership fee.

Fees and Dues.—The dues for each city are usually based upon the population and range from $5 or $10 for cities having less than 2,000 to a maximum of $750 for first-class cities in New York and New Jersey.

The leagues have usually secured special legislation making it legal to appropriate money out of the general fund of the city for the payment of dues in the league and in addition to pay the actual expense of delegates to the meetings of the league.

Officers.—The officers of the league consist of a president, one or more vice-presidents and a secretary-treasurer all

State	Date Organized	Present Membership	Official Publication	Approx. Annual Expend.	Secretary
California	1898	240	*Pacific Municipalities* Monthly	$4,500	Wm. J. Locke
Iowa	1898	561	*American Municipalities* Monthly	6,200	Frank G. Pierce
Michigan	1899	25	None		Bates K. Lucas
New York	1910	57	None	15,414	W. P. Capes
Kansas	1910	206	*Kansas Municipalities* Monthly	5,000	John G. Stutz
Nebraska	1910	50	*Nebraska Municipal Review* Quarterly		Theo. H. Berg
Texas	1913	54	*Texas Municipalities* Bimonthly		Frank M. Stewart
Minnesota	1913	175	*Minnesota Municipalities* Bimonthly		Morris S. Lambie
Illinois	1914	115	*Illinois Municipal Review* Bimonthly	3,000	R. M. Story
Oklahoma	1914	55	*Oklahoma Municipalities* Quarterly	2,500	F. F. Blachly
New Jersey	1915	170	None	7,000	Sedley H. Phinney

Other states having leagues are Wisconsin, Indiana and North Carolina.

of whom are selected at the annual meetings of the league, and direct the activities of the organization.

Activities.—The activities of these leagues comprise the following:

1. An annual convention. The place of meeting usually rotates from city to city. In some of the larger leagues, as New York and California, sectional conferences are held for different groups of officials as, for example, health officers, financial officers, purchasing agents, charity officials, etc. The time of holding the annual convention varies considerably: New York, Minnesota and Michigan meet in June; Iowa in August; California in September; Kansas in October; Oklahoma in November; Illinois and North Carolina in December and New Jersey in January.

For several years an exposition of various kinds of machinery and supplies used in municipal work has been held in connection with the annual conference in California.

2. Close attention to state legislation of interest to cities. Some leagues formulate definite legislative programs which they seek to have adopted. Several leagues have been instrumental in securing the adoption of uniform accounting systems for cities as uniformity in accounting methods is necessary in order to make comparison of costs in different cities.

The following subjects have engaged the attention of leagues in other states during the legislative sessions just closed:

Group insurance for city employees
Excess condemnation
City planning act
State zoning enabling act
Regulation of motor transportation of passengers
Tax limitation laws
Election law changes

3. Publication of magazine or journal. In Kansas, Iowa and California the magazine is published monthly. Texas, Illinois and Minnesota maintain a bimonthly publication. Nebraska and Oklahoma issue a quarterly magazine. New Jersey discontinued its monthly magazine two years ago, and New York has not adopted the plan of having an official magazine.

4. Bureaus of information. Such bureaus are maintained by the leagues in co-operation with the state university in Kansas, Texas, Illinois, Oklahoma, Minnesota, and some other states. A survey of the inquiries which were received by these bureaus during the past year shows that officials have needed information on a wide variety of subjects.

The following list of requests for information are typical:

Automobile ordinances regulating parking, traffic, etc.
Building codes
Ballot boxes
City manager plan
Consolidation of municipalities
Courts
Control of suburban subdivisions
Comparative tax rates
Fire department, size and character
Police department, size and character
Purchasing
Municipal markets
Mortality rates
Public utility rates
Water sheds
New sources of revenue
Interest on bank balances
Refuse collection and disposal
Street-paving construction and cost
Special assessments
Salaries of officials
Zoning

OHIO'S TAX VICISSITUDES NOT YET ENDED

BY EMMETT L. BENNETT
Civic League of Cleveland

Through the Taft Act Ohio struggles free from the Smith one per cent law, but does not abandon tax limitation. :: :: :: ::

It is part of the apocryphal history of Ohio that the state owes its notorious Smith one per cent tax limit law to the ambition of a former governor, who thought to distinguish himself in the eyes of a presidential nominating convention by forcing down the tax rate in his state.

Be that version true or false, the governor was not nominated. And the passage of time has abundantly disposed of any grounds for supposing that by enacting a statute a state can keep down tax rates. What did result was to force local governments to resort to bond issues for funds which might better have been raised by immediate taxation, and also to incur operating deficits later to be funded. And throughout the laws of Ohio passed since the Smith law are sprinkled acts excepting levies from the limits, or providing means for levies to be placed outside the limits by local votes.

In 1922 there appeared a curious recrudescence of the hunger after tax limitation. An amendment to the constitution was submitted by initiative, combining the repeal of the "uniform rule" with the enactment of stringent tax limitation into the constitution. It was defeated by somewhat more than 200,000 majority.

TO WIPE OUT CHAOS OF SMITH LAW

In the recent session of the general assembly tax legislation was again a pressing topic, as witness some seventy taxation measures introduced. Representative Robert A. Taft, of Cincinnati, chairman of the house committee on taxation, undertook long before the session opened to prepare a bill which would wipe out the chaos of the Smith law and its accumulation of amendments and exceptions. Mr. Taft worked with a committee of the Ohio Tax Association and with other interested organizations, and the rough draft of his bill was printed and circulated in advance of the meeting of the assembly.

In its course from introduction to enactment Mr. Taft's bill survived about as many buffets as the length of the session permitted it to receive. After the first series of hearings the committee found itself with so many amendments that it redrafted the bill and reported it to the house as a substitute. Upon third reading it was amended upon the floor, by the force of rural members whose enthusiasm for it was never high, and then recommitted and ordered reprinted, so that all might assure themselves of the result of the much amending. In order to muster enough strength to pass it in a house where small counties are over represented, and where tight tax limits and the "uniform rule" are potent shibboleths, an arrangement was effected whereby on the same day two of the measures desired by the "Cornstalk Club" were passed as companion

measures. The senate passed all three, restoring by amendment to the Taft bill a provision for the elective budget commission as an alternative, which Mr. Taft had sought in the house to set up as the rule. The basic elements of the bill were not altered.

PASSED OVER GOVERNOR'S VETO

There had been a deal of speculation all along as to whether Governor Donahey would sign the bill. In his message he had recommended virtual local home rule in the matter of tax limits, and, while not drawn in any attempt to carry out his recommendations, the Taft bill fulfilled them as nearly as in all the circumstances could be reasonably expected. The odds were on his vetoing it. He vetoed it, alleging that it was a tax-increasing measure. He also vetoed seventy-three other bills, among them the two bills passed as companions to that of Mr. Taft. By so doing he left unimpaired the union of the Cornstalk Club and the urban group especially concerned for the Taft bill. All three were passed over the veto.

Almost immediately following its final enactment the state Association of Real Estate Boards began talking of a referendum, and has called a conference to consider steps to that end. Mr. Taft answered that the bill is in effect, and not subject to referendum. This by reason of its containing a tax levy, and so being exempt under the constitution. The attorney-general, however, has ruled that the act is subject to referendum.

TAX LIMITS STILL IN FORCE

The Taft act does not abandon rate limitations. That is probably unattainable yet in Ohio. But whereas Ohio had a ten mill statutory limit, with five mills more available upon popular vote, and still more available for certain purposes upon popular vote, and certain rates exempt, the Taft act establishes limits for local purposes of 17 mills in incorporated municipalities and 14 mills outside. The actual immediate change in the city of Cleveland is very slight.

The act provides means for local increase of the limits it sets up. A local taxing authority can submit an additional levy, for a period not to exceed four years, for a specific purpose, which may be carried by the affirmative majority of those voting on the question. Or the budget commission hereinafter described might, upon request by a taxing body, submit a proposal to increase the general limit, for a period not to exceed ten years, which would require a 60 per cent affirmative vote. No specific levy can be submitted at the same election with the question of a general increase. Neither can be submitted except at regular November elections, except that boards of education can submit specific increases at the August primary, to be carried only in case they receive more votes than a majority at the preceding November election.

Perhaps the most valuable effect of the bill would be in the establishment of the principle that debt charges should not be confused with operating revenues in a tax limit. Heretofore, under the Smith limit the issuance of new bonds has meant not the increase of the tax rate, but the diminution of operating revenues, though the revenues to be diminished might be those of another authority than the one issuing the bonds. All future debt service charges will be outside of and in addition to the limits. State taxes, also, are excluded from the new limits. Some state levies have been within the old.

A second advantage of considerable weight lies in the possibility of locally

voting additional rates, as described above. Since the passage of the Smith law Ohio's large school districts and cities have been diverted from the sound practice of paying for recurrent outlays, such as school building and the improvement of streets, from current tax proceeds. The result has been an enormous increase of debt, the annual charges of which are already approaching the sums which would be required to care for the outlays entirely. The Taft act will make it possible by vote to return to the pay-as-you-go policy.

A CENTRALIZED BUDGET AUTHORITY

Mr. Taft had it in mind not only to reduce the tax limit laws to something approaching order, but also to establish a local budgetary control over all the taxing authorities within a community. His bill in its first form attempted to achieve this end by establishing a budget commission consisting of the county auditor, *ex officio*, and two other members elected from the county at large on a nonpartisan ballot, with power of reducing the budgets of local authorities and of distributing among them the levies within the limits. This commission was to work without salary or added compensation.

During the hearings considerable opposition was advanced from rural counties to the budget commission in this form. In consequence, the bill was changed to continue the budget commission consisting of the county auditor, treasurer, and prosecuting attorney, *ex officiis*, as under the old law. The senate amended the measure again, making it optional with counties to substitute an elective commission of three members. The auditor is to serve as secretary of the commission in either case.

The old budget commission had become little more than a rubber stamp, partly by reason of the meagreness of any relation of its work to the work of two of its members, partly by reason of political discretion, and in greatest part by reason of statutory minimum rates within the available limits, which so narrowed the distributable amounts that the commission had little room left for the exercise of its discretion.

The new commission will not find itself in full control of the seventeen available mills. Schools are guaranteed five, cities five, and counties two, a total of twelve mills. Five mills are left for the commission to apportion among library, special districts, and the authorities named. The commission has power to investigate the work and needs of the several authorities, and to recommend, but not to enforce, methods of absorbing cuts made by the commission.

It is the opinion of the author of the bill that under conditions existing in Cincinnati and Hamilton county the elected budget commission would achieve the introduction a considerable measure of general budgetary control. The writer inclines to doubt that it will be achieved in Cuyahoga county by any device short of consolidation into a single government of the whole metropolitan community. But even though the new commission should, after an initial adjustment, relapse into inactivity and become a rubber stamp, it will only be as we have been accustomed to having it.

THE CITY-MANAGER MOVEMENT IN ONTARIO

BY W. J. DONALD

Guelph, Ontario, was the first to adopt the city clerk-manager, a combination of the American city manager and the British municipal clerk. Government by committees, common in British cities, was retained.

In 1919 Guelph, Ontario, adopted the city clerk-manager form of municipal government, thus copying not only the city-manager movement in America but also in effect British practice in Great Britain, South Africa and Australia. The adoption of the city-manager form was facilitated by the discovery that in effect the British city clerk has most of the functions of a city manager.

GUELPH'S QUEST FOR SOMETHING DIFFERENT

It was in 1916 that a committee of which City Clerk T. J. Moore was secretary began the study of reform of the city government of Guelph, Ontario. At that time the city had a system with an elected mayor and a council elected by wards and several elected, as well as several appointed, boards. City Clerk Moore wrote to municipal officials all over the English-speaking world for information concerning the form of municipal government. New Zealand, South African, Australian, Canadian, American, and British cities replied at length. The result of this voluminous correspondence was a bill presented to the Ontario legislature. The bill was defeated or rejected in 1917. In 1918, however, it was passed.[1]

[1] Chapter 62, Ontario Statutes, 1918.

THE COUNCIL AND MAYOR

For the year 1919 and thereafter the Guelph act provided for a council of eighteen aldermen elected by a general vote of the qualified voters of the city. Of these the six with the highest number of votes at the 1919 election were to hold office for three years, the second six for two years, and the third six for one year. Six are elected annually for three-year terms. The mayor is elected annually by and from the council at the first meeting each year. In case of a tie the candidate who is assessed for the highest assessment in the city of Guelph according to the last revised assessment roll is declared elected.

BOARDS AND COMMISSIONS

The 1918 act provided for the dissolution of the former board of water commissioners, board of light and heat commissioners, board of sewerage and public works commissioners, board of parks management, and board of directors of the Guelph Radial Railway Company. The council assumed the powers and rights of these boards and commissions with the exception of the board of light and heat commissioners, which now consists of three members including the mayor ex-officio and two citizens appointed in alternate years for two-year terms.

CITY CLERK AND MANAGER

This same act provided that the city clerk should be an ex-officio member of all committees of the council with the right to take part in the discussions thereof but without the right to vote upon any question. It conferred upon him the duty of recommending from time to time to the various committees for adoption such measures as he may deem necessary or expedient. It is also his duty to keep the committees fully advised as to the financial and other needs of the city and as to all work and matters pertaining to the work of the committees.

On January 20, 1919, a by-law (ordinance) was passed to define the duties of the city clerk. Section 4 of this ordinance appointed the city clerk as city manager with the duty of exercising control over all departments under the control of the city council, the heads of which departments were thus made personally responsible to the city manager for the proper maintenance and operation of their departments. As no provision was made for appointment of the heads of departments by the city manager, this function continued to be exercised by the council.

DEPARTMENT HEADS

The organization of the administration was typical of Canadian cities. The city clerk-manager received a salary of $3,500. The city engineer is paid $3,500; his assistant receives $2,000. In 1920 other salaries were as follows: City treasurer, $2,500; tax collector, $2,500; relief officer, $800; sanitary inspector, $1,500; medical health officer, $600; building inspector, $1,200; fire chief, $2,100; police chief, $1,800.

The health officer is responsible to the board of health, but the council can dismiss him—and the city manager could recommend his dismissal. The police chief is responsible to the mayor, police magistrate and county judge, but the council can dismiss him also. The city manager could recommend the dismissal of any official or can dismiss any official himself and then ask for the council's approval.

Guelph has no civil service commission.

SPECIAL BOARDS

Guelph like all other Ontario municipalities has certain boards which could not be legislated out of existence because they are required by provincial law. The board of directors of the Guelph Radial Railway was continued —it is peculiar to Guelph. The board of light and heat commissioners, while not required by the province, was retained because of its relation to the Provincial hydro-electric system. Other boards are: Public library board, cemetery board, hospital board, Children's Aid Society.

COMMITTEES

In addition, five standing committees were appointed, each consisting of five aldermen and the mayor ex-officio. They are as follows: Finance, public works, fire, light and water, parks and buildings, railways and manufacturers. Special committees are also appointed from time to time. Each committee elects its own chairman at the first meeting each year. They meet every two weeks at stated times. The city manager presents all matters to them. The committee rather than the manager make reports with recommendations to the council and ask the council to adopt the report.

HOW THE SYSTEM WORKS

While there was a good deal of criticism of the form of government of the

council and of the city clerk-manager, nevertheless it gave general satisfaction from the beginning. One of the newspapers was vigorously opposed to the manager and hoped to break his power by getting rid of the system. Party politics are not conspicuous in Canadian municipal government and Guelph is no exception to the rule. The system brought no special reforms in administrative procedure. The motives of all of the councilmen were good. Much "wrangling" of former days disappeared because Parliamentary rules were vigorously applied by the new mayor, H. Westoby, who, by the way, was also secretary of the Guelph Chamber of Commerce. There was entire satisfaction with election at large.

Two years ago, as explained below, the position of city clerk-manager was divided, one man being made city clerk and another manager. Guelph has since operated under this dual arrangement.

The city clerk-manager's powers of control over the department heads were merely ordinance and not statutory powers. They had to be exercised, therefore, with considerable discretion and much leniency. This had an adverse effect on administrative efficiency and correlation. Some criticised the manager for being too easy going and others for exercising his powers unnecessarily. Powers that are both poorly defined and also of uncertain permanence cannot be vigorously exercised. It is doubtful, however, whether the provincial government was, is, or is likely to be, willing to create statutory powers for a city manager or to otherwise formally recognize the city-manager idea in Ontario.

The council, the public, and the heads of departments emphasized the clerical duties of the clerk-manager and minimized his managerial duties. Tradition and precedent were against him. The city clerk in Canada is not the city clerk of England, and he is not likely to be accorded the dignities either of the English city clerk or of the American city manager. The Guelph experiment lost the dramatic advantages that go with newness. Yet they avoided the aftermath of unwarranted disappointment. All things considered, however, Guelph might have secured better results more quickly by bringing in as manager someone whose prestige would not have been minimized by familiarity. Nevertheless, the Guelph plan if it could have survived the first few years might have proved to be highly desirable. The traditions of the British city clerk's office might ultimately have surrounded the city clerk-manager's office in Guelph. The formal addition of the manager's powers—by ordinance—was probably necessary in order to create a new conception of the city clerk's duties and potentialities. Traditions are not created in a day, however, and one should not expect too much.

From the first there was room for improvement along the following lines:

1. It would have been better if the number of aldermen were twelve rather than eighteen, which the first city manager regarded as too large a number for a good "committee of the whole."

2. The standing committees should have been abolished in favor of a committee of the whole plus special committees. Standing committees tend to usurp the duties of the manager and to create a division of authority. The chairman of a committee is likely to regard himself as a sort of cabinet minister and to give orders conflicting with those of the city manager.

3. While there was no criticism of the election of the mayor by and from council, yet it would have been better

if the vote for mayor were by secret rather than by open ballot as the provincial law requires.

One might well wish, therefore, that the clerk-manager idea had been introduced into Ontario under more favorable circumstances. Election of the aldermen at large and the election of the mayor by and from the council are excellent methods of centralizing responsibility, but they are not quite enough. There needed to be a more clearly established centralization of authority for the municipal government of Guelph by more definitely establishing and protecting the manager's powers, by abolishing standing committees and possibly by somewhat reducing the size of the council.

RECENT DEVELOPMENTS

Since 1919, the city-manager form of government has been introduced in Niagara Falls and in Galt in each of which the city engineer also acts as city manager, but it is understood that in these cities the name "city manager" is given merely to give a little more power to the city engineer in the transaction of his duties.

Mr. T. J. Moore, the first city manager in Guelph, was fatally injured two years ago, and the position of city clerk-manager was divided, H. J. B. Leadlay being made city clerk and G. D. Hastings, city manager. Thus the city clerk-manager plan never had a fair trial. There is much division of opinion in Guelph regarding the office of city manager, and a reliable opinion has been expressed that if a vote on the question were taken by the citizens, it would result in a majority against it. This is chiefly due to a strong feeling that the extra expense is not justified—an objection which would be much less valid if applied to the city clerk-manager plan. Several attempts have been made in the council to abolish the single office of city manager, but so far without success.

THE ONE-MAN CIVIL SERVICE COMMISSION IN MARYLAND

BY FRED TELFORD
Bureau of Public Personnel Administration

The story of Maryland's success under her new civil service law which centers control in a one-man commission. :: :: :: ::

In the short space of two and a half years the state of Maryland has won for itself a prominent place on the civil service map. At the time the law establishing the merit system for the state service took effect, October 1, 1920, civil service administrators took note principally of two things—that Maryland was the first of the states below the Mason and Dixon line to establish a state-wide merit system and that it had decided to try out the experiment of a one-man commission. The success of the new system, however, has since led to considerable speculation as to whether the results achieved have been due to the one-man commission or to other influences.

AN ADVANCED LAW

It would be easy to conclude that the form of commission accounts for the successful launching of the merit system in Maryland. As in most other human affairs, however, the whole matter is not so simple as to justify this kind of reasoning. In fact, a number of factors must be considered in appraising the situation. Not the least important of these is the law itself. In addition to establishing a one-man commission, it contains a number of other advanced provisions. A considerable number of positions were placed in the exempt division by the legislature—but with the provision that they might be transferred to the classified service by the governor and thereafter taken out only by specific action by the general assembly. The law provides that the facilities of the commission shall be available upon request to any municipality or county adopting the merit system and also to the judges of the several circuits of the state. The commissioner was required to establish and put into effect a classification by January 1, 1921, or as soon thereafter as practicable, and to allocate positions to the classes established, such action to be subject to the approval of the governor. The law requires the commissioner to make a study of the rates being paid for similar services in public and private employment and to report to the governor schedules of compensation for each class of positions established, including minimum, maximum, and intermediate rates. There are the customary provisions with regard to the nature of examinations. The only backward provision of the law is the requirement that the names of five eligibles be certified to appointing authorities instead of the customary three, two, or one. With regard to temporary employees the commission is required to make certification of one qualified person, with or without examination. Other features of the law are mandatory requirements for the prescribing by the commissioner of standards of performance and the form and scope of the records that appointing authorities must keep as a basis for the determination of the efficiency of the employees; the checking and certification of pay rolls before payment; and the making of demotions and removals only for cause upon written charges after the employee affected has an opportunity to be heard by the commissioner in his own defense. Such a law, in a word, contains legislative sanction and authorization for high-class civil service administration.

THE GOVERNOR'S EXCELLENT ATTITUDE

Another favorable circumstance of equal or even greater importance has been the attitude of the governor, Albert C. Ritchie. Governor Ritchie from the beginning has shown a keen appreciation of the fact that the merit system properly carried out is desirable —even essential—to make his administration completely successful. The civil service law was passed at the beginning of his administration, not at the end. He appointed as the first commissioner Osborne I. Yellott, whose standing in the community was a guarantee to good citizens that the new law would be carried out in good faith and that politics would not enter into its administration. He approved the expenditure of money, both from the commission's appropriation and from his own contingent fund, to employ Griffenhagen & Associates, Ltd., an organization with a national reputation in employment matters, under Mr. Yellott's direction to devise a classification plan, to allocate positions to classes, and to help the com-

missioner to write the rules, design forms, work out the office system, and select and train the technical and clerical staff.

When fanciful or real objections were raised by administrators or others opposed to the merit system, Governor Ritchie supported the new law by pointing out that its few hampering provisions must be put up with because of the greater good that would come from its many excellent features. When it was shown that a trained chief examiner was essential and that no person with the requisite experience could be found in Maryland, he gave his approval to the importation of Oliver C. Short, who had had several years of training in one of the best civil service schools in the country, the state civil service commission of New Jersey. Following Mr. Yellott's accidental death, Governor Ritchie appointed Mr. Short as commissioner. By executive order he transferred to the classified service 1,100 of the 1,500 positions made exempt in the law. In numerous other ways he has shown himself a believer in the merit system and has lent the influence of his powerful office to making its administration a success.

ACHIEVEMENTS GREATER THAN ANTICIPATED

With these favoring conditions it would have been more than passing strange if the administration of the new civil service law had not been successful. As a matter of fact, however, the achievements have been greater than could reasonably have been anticipated. The rules, which became effective early in 1921 upon approval by the governor, provide a normal procedure for handling every transaction that is likely to arise but at the same time fairly bristle with such terms as "unless otherwise directed by the commissioner," "in the judgment of the commissioner," and "or for other reason satsifactory to the commissioner"; these "exceptions" permit the commissioner to take into consideration the peculiar circumstances connected with any unusual case. A set of forms intended not only to serve the commission's purposes but also to reduce to a minimum the work required of administrative officers was devised and distributed. In the commissioner's own office an adequate but simple procedure was adopted requiring the services of only four regular employees in addition to the commissioner himself.

The classification plan officially went into effect February 1, 1921, only thirty days after the date fixed by the legislature. The classification titles are now used for all employment transactions and were written into the budget approved by the legislature at the 1922 session. The first examinations were held in January, 1921, and before the end of that year employment lists had been established for all of the active classes and a considerable number of the inactive classes; lists have been currently maintained since that time. Some of the employment problems given up in despair in other states have been solved in Maryland. The superintendents of the various state hospitals, for example, are currently furnished with hospital attendants who have been given real tests and been found qualified. In the main temporary employees have been certified following an examination somewhat less thorough than that which is given preceding the establishment of employment lists; at no time, however, have temporary appointments been numerous or long continued in force. Pay rolls have been promptly checked and in no case have they been held in the office of the commission over night.

With regard to dismissals, it is interesting to note that so far fifteen cases have been appealed to the commissioner and that the decisions of the appointing authorities have been upheld in all except one case—and in that one case the charges were filed as the result of misinformation.

LAW HAS CONFIDENCE OF ADMINISTRATIVE OFFICERS

Perhaps the best evidence of the manner in which the new law is working is the confidence reposed in it by administrative officers. So successful has been its administration that there is no hesitation in bringing charges against inefficient employees. Many of the appointing authorities, particularly in institutions, now ask the commissioner not to send them five eligibles to interview, but to make the selection himself and to send one eligible ready to begin work; in view of the difficulty encountered in many jurisdictions where appointing authorities are reluctant to make a selection from the persons whose names are certified, this is high praise indeed.

The action of the legislature in the 1922 session, the first following the passage of the new law, was almost as complimentary. There were no serious attacks upon the merit system and its administration; on the contrary, its position was immensely strengthened by the reorganization of the state government effective January 1, 1923. The former positions of state employment commissioner and chief examiner and secretary are abolished and the position of director of the department of state employment and registration created; the director has a place in the governor's cabinet along with the heads of eighteen other departments. The director is made the spokesman for the numerous examining boards, and the board of public works, consisting of the governor, the comptroller, and the state treasurer, are given the power to authorize the director to perform secretarial, clerical, and other work for them.

WHAT SHARE OF SUCCESS DUE TO ONE-MAN COMMISSION?

Attempting to determine how much of the success of the civil service law in Maryland is due to the one-man commission and how much to other factors is almost as futile a proceeding as trying to determine who won the war. There seems to be no doubt that under a friendly administration the one-man commission has operated with greater efficiency than would have been the case with a larger body; that is, both actual experience and theoretical reasoning lead to the conclusion that the one-man commission makes for administrative efficiency.

In this connection, the provisions of the law requiring that the adoption and amendment of rules are subject to the approval of the governor and that the adoption of the classification plan and the allocation of positions to classes likewise must receive the approval of the governor before becoming effective have made the commissioner's position easier with regard to the quasi-legislative matters which he must handle; the governor, an elective officer, shares responsibility in these matters. The law specifically states, however, with regard to removals that "the finding and decision of the commissioner . . . shall be final and shall be certified to the appointing authority and shall be forthwith enforced by such authority"; but in this quasi-judicial matter there has been no real trial of the one-man commission owing to the fact that the appointing authorities have been almost uniformly upheld when appeals have been made by discharged employees. The commission-

er's recommendations as to standard rates of pay were in considerable part disregarded in making up the biennial budget in 1922; whether the recommendations of a three- or five-man commission would have received greater consideration cannot be told. In this connection, however, it is significant that in the second (the 1922) report the commissioner recommends to the governor "that you appoint a committee to work out and submit a standardization plan"; presumably the commissioner would be a member of such a committee if it were appointed.

SUMMARY

To summarize, those who are familiar with the experience of the one-man commission in Maryland would have no hesitancy whatsoever in saying that the results during the two and a half years it has been in operation have been successful beyond expectations. There has been an almost complete absence of the friction which might reasonably have been expected, while the positive achievements are no less than startling. The one-man commission, however, is not the only factor which has contributed to these results. Other factors which must be taken into account are the advanced provisions of the law itself, the complete and sane rules which have been put into effect, the securing of the best technical advice in launching the new system, the selection of a high-class commissioner and of a trained secretary and chief examiner who was later made commissioner, the working out and adoption of a duties classification plan as the first step under the new system, the use of the very best types of modern tests to establish employment lists, the sympathetic interest and earnest support of a chief executive thoroughly convinced that the merit system is essential to the success of his administration, and a consistent carrying out by the technical and clerical staff of the commission of the very best procedure that has been developed throughout the country in civil service administration. Under such circumstances failure or, indeed, anything less than a high degree of success would be unthinkable. It can confidently be stated, however, that there has been nothing in the experience of Maryland to indicate that the one-man civil service commission would not be a brilliant success elsewhere—always providing the right man were chosen for commissioner.

WHY WE NEED EXCESS CONDEMNATION

A Boon to the Property Owner—A Blessing to the Public

BY LAWSON PURDY

For many years President of the Commissioners of Taxes and Assessments of New York City

Excess Condemnation is a poor word for a good thing. It simply means the power to apply eminent domain to land in excess of that physically needed for an improvement but incidental to it. The purpose is usually either to protect the improvement or to put the incidental land to its best use. :: :: :: :: :: :: :: ::

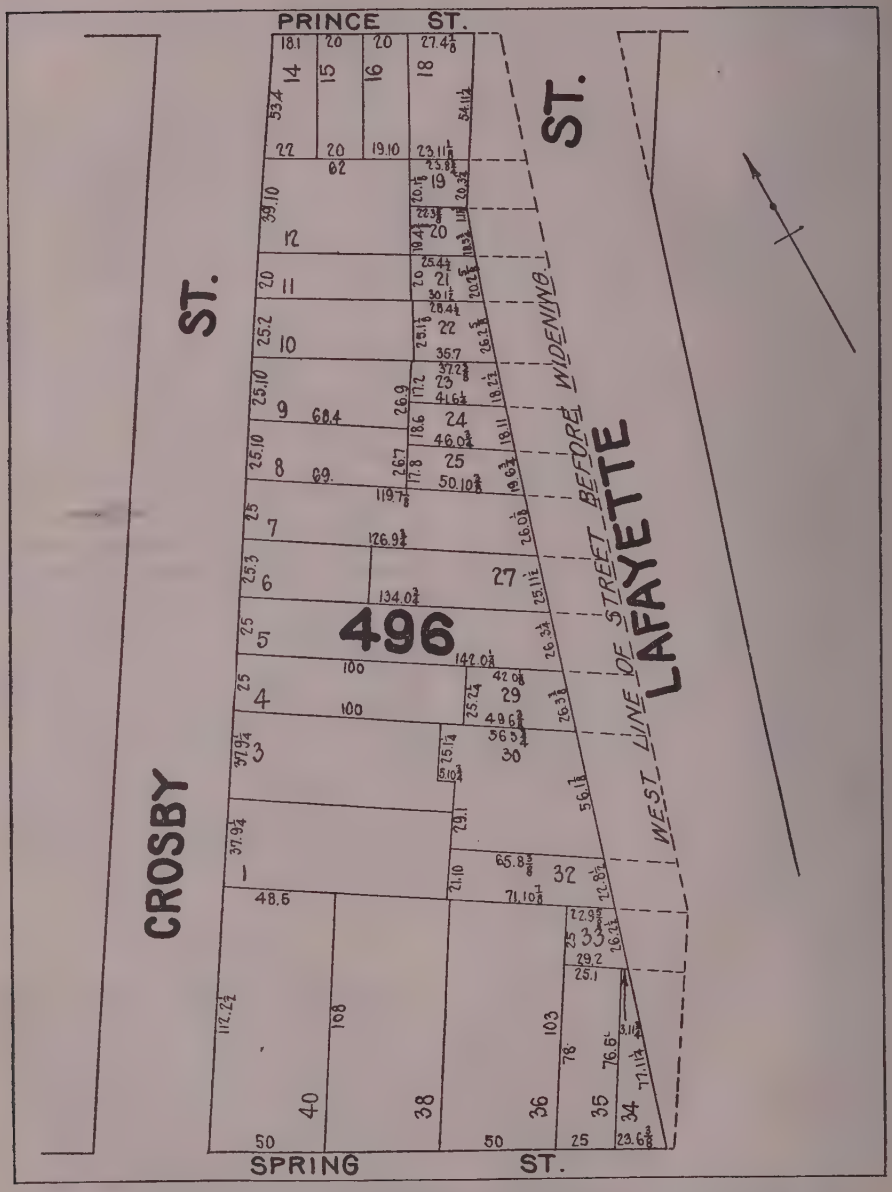
No city is ever finished. City planning is never done. As cities grow they must be replanned from time to time. Old streets must be widened or new streets must be opened. Open spaces must be provided. Parks must be laid out. The opening of new streets through settled parts of cities is a costly undertaking and so is the widening of old streets; but the cost alone is not the worst obstacle. When streets are widened or new streets are opened the abutting land usually is left in parcels that cannot be improved to advantage. Sometimes well-shaped plots are never assembled and it always takes a long time to develop such a street.

To overcome these obstacles it is necessary to condemn the land for the street and the land appurtenant to the street sufficient in area to form suitable building sites. This procedure has come to be called excess condemnation. Perhaps unfortunately so called because in reality it is not the condemnation of land in excess of what is needed for the improvement, but the condemnation of so much land as is necessary to make the improvement effective.

The state of New York was a pioneer in this country in its use of excess condemnation and unfortunately the first to condemn excess condemnation as unconstitutional. In 1812 the city of New York was granted the power to condemn remnants of lots taken for a street or park opening. The power was used in the opening of a number of streets, but in 1834 in the *Matter of Albany Street* (11 Wend 149) it was held that the city could take and dispose of surplus land subject to the owner's consent; without his consent surplus land could not be taken. Later the same decision was rendered by the court of appeals in 1850 (3 N. Y. 511). In the state of New York, therefore, it became necessary to amend the constitution in order to obtain the right to take land appurtenant to the land taken for a street or public place. The constitution was so amended in 1913. Similar amendments have been adopted to the constitutions of Massachusetts, Ohio, and Wisconsin.

EVILS OF TAKING LAND SUFFICIENT FOR STREET ONLY

During the last thirty years several streets in the lower part of Manhattan in the city of New York have been widened: West Broadway in 1894; Lafayette Street in 1903; Varick Street in 1913; Delancy Street somewhat earlier. Not one of these streets shows an orderly development. There are occasional good buildings and then mere shanties. One who is familiar with tax maps can see the reason when he looks at the map. One illustration is presented on page 5 showing the west



MAP SHOWING RESULTS OF STREET WIDENING IN NEW YORK CITY.
(Note large number of little parcels incapable of suitable development.)

WEST SIDE OF LAFAYETTE STREET, NEW YORK, TWELVE YEARS AFTER BEING WIDENED.

(Note billboards and building development out of harmony with surroundings. Suitable buildings would have been warehouses eight or ten stories high, as shown one block distant.)

side of Lafayette Street as it looked in 1915, twelve years after it had been widened. On the opposite page is the tax map. Suitable buildings for that location would be warehouses eight or ten stories high, similar to those which show in the picture a block distant.

Such buildings cannot be erected on lots 23 feet deep and 20 feet wide, or on a sliver 23 feet wide at one end and three feet wide at the other and 77 feet long. The picture shows the rears of buildings erected on the parallel street to the west, Crosby Street. Even those lots are too narrow and too shallow in most cases for really good buildings. Had the city taken the whole block and replotted it and then sold it under appropriate restrictions, new buildings would have been erected at once that would have been profitable to the owners and would have enabled the street to be put to the use for which it was designed when it was widened. As it is, the street is serving at many points as a convenient place for the posting of billboards. The owners of billboards contend vigorously that they are artistic and add to the attractiveness of the city. There they are in the picture; form your own opinion about them.

REMNANTS USELESS IF LEFT IN PRIVATE HANDS

In nearly all American cities all or part of the expense of opening streets or widening streets is assessed on property benefited. It is not uncommon for the owners of land that is assessed for widening a street like Lafayette Street or opening a new street like Seventh Avenue to complain bitterly of the burden imposed upon

them. These complaints act as a check upon the imposition of proper assessments and upon the widening of streets that ought to be widened and the opening of streets that ought to be opened. In great measure this is so because the complaints are well founded. The owner of one of those little parcels of land on Lafayette Street, shown on the map, cannot get the benefit of the street widening unless he acquire other land or sell his lot to the owner of some neighboring land. It sometimes happens that the title is bad to some of these lots; that they are held in trust and cannot be sold; sometimes the owner is a foolish pig who wants more than his share, fails to sell at the right time, and holds up the whole improvement. Nobody is the gainer.

In the case of the widening of Delancy Street the existing lots ran parallel to the widened street. On many of the blocks slivers of land, 100 feet long, were left varying in width from 15 inches at one end to 5 feet or 6 feet at the other. The lots lying back of these slivers were usually 25 feet wide. It is almost an invariable rule that the major part of an assessment for a street widening is imposed on the first 100 feet, and the first 25 feet pays a much larger percentage than the next 25 feet. Often the first 25 feet pays three quarters of the whole assessment imposed on an area 100 feet deep. What could the owner of the sliver do with it? He might sell it to his neighbor. What could the neighbor do with it, who had a tenement house on a lot 25 feet wide parallel to Delancy Street? What could he do with the sliver? Next to him was another tenement house 25 feet wide.

If the buildings had been torn down and the land united in one ownership its value would have been increased tremendously by the widening of the street and the fact that the widened street formed the approach to a bridge used to capacity. The burden of these assessments at the time they were imposed was a cruel burden. So it has been in many cases; so it always will be, when land cannot be put to its appropriate use because of its shape or size.

In 1905 Livingston Street in Brooklyn was widened by 30 feet, making the street 80 feet wide instead of 50 feet wide. The lots on the southerly side of the street were reduced from the depth of 100 feet to 70 feet. The awards for the land taken and the buildings damaged and the consequential damage to the land that was not taken amounted to $1,989,000, while the total assessed value of the land and buildings was $1,268,000. There was such complaint by the owners of the assessments imposed upon them that finally the legislature passed an act to impose the entire expense upon the city. Six years later the value of the land that was left, being 70 feet deep instead of 100 feet, was $2,073,000, a sum $83,000 in excess of the awards for land and buildings and three times as much as the land alone was assessed for in 1905.

In this case if the city had taken the 70 feet remaining there would have been no question of assessment; the land could have been sold readily with appropriate restrictions with the requirement that it should be built on at once; the property would have been improved adequately and the city could have recovered two thirds of the cost, if not more.

In 1913, to form a thoroughfare from downtown Manhattan northward, an old street called Varick Street was widened and Seventh Avenue was extended south to meet Varick Street. This street is today a great thoroughfare. It is an admirable location for

certain kinds of business. Some good buildings have been erected. The improvement of the street, however, has been delayed because of the perfect mess in which land-ownership was placed by the widening. On one block, for example, where an appropriate unit for development would be not less than 100 feet by 100 feet, there are eight lots varying in depth from 12 feet to 33 feet and varying in width from 4 feet to 39 feet; but the 39 foot lot is a wedge.

These illustrations can be matched in any city where streets have been widened through an old section. The more irregular the old streets were and the greater the need for a new street the worse is the condition that is left when the new street is opened.

BENEFITS OF EXCESS CONDEMNATION

Let us consider what a judicious use of excess condemnation can do. Everyone who has been in London knows Northumberland Avenue running from Trafalgar Square to the River. That street was cut through land which had not been built upon; it was bought from one owner. The cost was $3,557,000. The city sold what it did not need for $4,156,000. This was an extraordinary opportunity not likely to happen anywhere else. There was great demand for sites on Northumberland Avenue for hotels and other large buildings fronting on this wide avenue. The profit to the city is only an incident. The great value was the development of Northumberland Avenue quickly and appropriately with adequate buildings.

Every recent visitor must know Kingsway. Kingsway runs from the Strand north to Holborn. This undertaking was commenced in 1899. A street 100 feet wide was put through what had been a very poor section. The operation consisted not alone in opening the new street known as Kingsway, but in widening the other streets including Aldwych Street. Twenty-eight acres were condemned "of which 12¼ were dedicated to the public in the form of new streets, leaving 15¾ acres available for building sites. The length of the street is 1,100 yards, the width 100 feet." [1]

Mr. Swan says further:

> The operation involved the demolition of 600 buildings and the displacement of 3,700 persons of the working class. The clearance of the insanitary areas in the neighborhood of Clare Market, which was included in the scheme, displaced an additional 3,172 working people. Provision for rehousing all these people had to be made. Furthermore, disturbed trade and other interests, numbering 1,500 in all, had to be compensated. No satisfactory figures as to the relative sums paid in compensation for injuriously affected business interests, cost of works, land, etc., have been obtained, but the total gross cost of the entire improvement, which was just recently completed, is about $24,330,000. Through a recoupment of $20,459,000 the net cost has been reduced to $3,871,000. The recoupment is, therefore, 84 per cent of the total gross cost. The Council has not yet disposed of all its surplus land, but since the prices realized on the parcels sold are in excess of those at first expected, there is sanguine prospect that the net cost of the improvement will be less and the per cent of recoupment correspondingly greater, than that stated.

The notable thing about this Kingsway improvement is the use to which Kingsway has been put. The London County Council has sold or leased the land with restrictions such that every parcel is improved in an orderly, effective way. Only lately the land lying between Aldwych Street and the Strand has been let to American interests for the erection of the Bush Building. The London County Council has seen to it that the Bush Building is a superb ornament to London and it has one of the most commanding sites

[1] "Excess Condemnation," by Herbert Swan.

in London. It will pay a very good rent to London for ninety-nine years.

CONCLUSION

Every American city should have the power of excess condemnation though that power should be used discreetly. Every state constitution that does not permit excess condemnation should be amended and the amendments to the constitutions of New York, Ohio, and Massachusetts furnish models. Every city should be given the power. Suitable statutes covering the various details necessary may be found in the charter of the city of New York.

It should be borne in mind that in many cases of street openings it is not necessary to condemn adjacent land, and that when the power of excess condemnation is exercised it must not be exercised in an arbitrary fashion. The map showing the land to be taken should be based on existing property lines and the avoidance of destruction of existing valuable buildings. The line separating the property to be taken from that to be left cannot be a straight line. It must follow the property lines so as to take land sufficient to form suitable building sites where necessary and never to leave unusable parcels. When the improvement has been made the land should be sold or leased with such restrictions as shall result in the prompt improvement of the property with buildings best adapted for service on the new or widened street.

The use of excess condemnation often may make possible and profitable the opening of streets through congested territory, the widening of old streets, and sometimes the destruction of insanitary buildings by opening small parks, and sometimes the improvement of the land next to such parks with modern and sanitary dwellings.

There are almost no possibilities for evil in this legitimate power which has been exercised profitably in foreign countries; there are enormous possibilities for good.

OUR LEGISLATIVE MILLS

I. CALIFORNIA—THE HOME OF THE SPLIT SESSION

BY VICTOR J. WEST
Stanford University, California

The "bifurcated session" (which is fulfilling many of the hopes of its sponsors) and the breakdown of national party lines are the outstanding features of California's legislature. Of course, she still has some problems. :: :: :: :: :: :: :: :: ::

EDITOR'S NOTE.—This is the first of a series of articles upon our state legislatures. Typical states, east, west, north and south, will be written up in subsequent issues.

THERE has recently been proposed in California a constitutional amendment providing that the legislature in its present form be abolished. It is proposed to substitute for it a "Council of State" numbering fifty members.

The suggestion to substitute a unicameral legislature for the bicameral system is no longer novel enough to be startling. Nor are the details of the California proposal particularly startling. The council would have complete legislative powers, subject of course to the limitations imposed by the constitution; it would meet biennially and remain in session continuously until its work were finished; each member would be paid $5,000 per year. The members would be elected by popular vote from fifty electoral districts of approximately equal population, but no county or city would have more than two representatives. The proposal, in spite of the fact that it is seriously offered, has occasioned only a temporary flicker of interest, for it is generally admitted that the possibility of adopting such an amendment is exceedingly remote.

THE DEMAND FOR A UNICAMERAL BODY

Nevertheless the mere fact that the resolution has been introduced must be regarded as symptomatic of a pathological condition, politically speaking, in the state legislature, which cannot be lightly passed over. The significance of the suggestion lies of course in the motives which prompted it. What is the defect which needs to be cured? It is the answer to this question which leads us to make further inquiry into the California situation.

It appears that a legislature of one house is not offered wholly or even mainly to correct the evils which are commonly and with reason attributed to the legislature of two houses. Of course there have been times in the history of the state when the bicameral principle defeated not only popular desires but also the ends of sound public policy and honest government. That has been true occasionally even during the past dozen years when both houses have been under the control of the so-called "progressive" elements in the state. And in the Forty-Fifth Session, which convened January 8, 1923, the two houses are not in close accord, one tending to work with the "administration," *i.e.*, the governor, and the other against it. But this is regarded by

both factions as a temporary condition, and it probably is; in all probability one side or the other will control both branches in the next session. The key to the purpose in the present proposal is found not so much in the idea of a single chamber as in the provision that no county or city is to have more than two members in the Council of State, though the districts are to be approximately equal in size. The main problem, whether the legislature remains bicameral or not, is one of securing a proper basis of representation.

"ROTTEN BOROUGHS" HERE ALSO

The senate and assembly of the California legislature are composed respectively of forty and eighty members. For the purpose of electing these members the state is divided into forty senatorial districts and eighty assembly districts. The constitution provides that the senatorial and assembly districts respectively shall be as "nearly equal in population as may be, and composed of contiguous territory," and that no county shall be divided to form districts unless it contains sufficient population to make two districts and that no part of any county shall be united with any other county to form a district. It is further directed that "the legislature shall, at its first session after each census, adjust such districts and reapportion the representation so as to preserve them as near equal in population as may be." It is the question of reapportionment and its vexing attendant problems which has brought the composition of the legislature to the fore as a live issue.

Under the reapportionment law of 1911 various inequalities exist, in fact existed at the time the act was passed. For example, Santa Clara county constitutes two senatorial districts and two assembly districts, though the former should be twice as large as the latter. On the other hand Fresno county constitutes one senatorial district and three assembly districts, though it was smaller in 1910 than Santa Clara county. With the changes in population recorded by the census of 1920 the discrepancies are more patent. For example, both Fresno and San Diego counties, each represented by one senator, are now more populous than Santa Clara county. A more obvious and more important contrast is that between Los Angeles and San Francisco counties. A fair apportionment would give the former eleven senators and twenty-two assemblymen instead of eight and fifteen respectively as at present, while San Francisco would be entitled to six senators instead of seven and twelve assemblymen instead of thirteen. Other southern counties would be entitled to similar gains at the expense of northern and interior counties. The only proposal for reapportionment which had the slightest chance of acceptance allotted to Los Angeles nine senators and nineteen assemblymen, and did not disturb the basis of representation at all in many counties. Yet it was not reported out of committee in the senate for the reason that neither the San Francisco members nor those from the interior counties will stand for even that small an increase in the representation from Los Angeles. The only bill upon which a vote was taken still further favored Los Angeles county and was decisively defeated when reported in the assembly.

SAN FRANCISCO VERSUS LOS ANGELES

The reason for the failure of reapportionment bills in the recent session of the legislature may be found partly in the antagonism between the rural and suburban districts and the large cities, a familiar political phenomenon in many states. In California this

line of division is crossed by another created by San Francisco's jealousy of the increasing population of Los Angeles and Alameda counties. In 1900 the population of San Francisco county was twice that of Los Angeles. By 1910 Los Angeles county had increased at the rate of over 200 per cent and with a total of 504,131 had a population nearly 100,000 greater than San Francisco. In 1920 San Francisco county had increased to a little above the Los Angeles county figure for 1910, while its rival had attained a population of close to a million. Thus while Los Angeles county increased in the last decade at the rate of 85 per cent and Alameda county at the rate of 40 per cent (about the rate for the state as a whole), the increase in San Francisco was at the rate of but 21½ per cent. Small wonder that the citizens of the one-time metropolis of the Pacific Coast are wounded in their pride and that its politicians struggle so determinedly to retain an inevitably diminishing political prestige.

The proposed council composed of fifty members with no more than two from any one county, if established, would doubtless put an end to the decennial squabble over reapportionment, for the counties likely to get two members are San Francisco, Los Angeles and possibly Alameda, thirty of the other counties probably would get one member each, and the remaining twenty five counties would be grouped in such a way as to provide the other fourteen districts. Increase in population of counties would have little effect on the desire for readjustment as long as no county, no matter how large, could have more than two members.

That this is a fair basis to representation of all the interests of the state would scarcely be admitted by many members of the legislature. The present system is illogical enough, for it provides two houses to be elected in the same way, though the constituencies are organized differently, and it attempts to secure representation in proportion to population while at the same time trying to preserve the county as an electoral unit. But with the legislature composed as it now is, it is too much to expect it to agree to limit the counties to two representatives in a single-chambered body. The representatives of the larger counties would combine to defeat such a proposal however much they may oppose each other in the attempts to get the lion's share of the representation under the present system. Nor would a proposal to adopt a scheme of proportional representation help matters. The only feasible plan would be the Hare system, and this would be regarded as impracticable unless the state were divided into six or eight districts. The problem of setting district boundaries recurs, and the respective representation of San Francisco and Los Angeles raises the same problem over again. Even if it were possible to make up acceptable groupings of counties into districts, or to treat the state as one big election district, it is scarcely probable that the present legislature would accept proportional representation. Obviously it would be expected that under an effective scheme of proportional representation Los Angeles county would secure a greater representation than San Francisco, and that the more populous counties generally would be represented in unduly greater proportion than the less populous.

NO HOPE THROUGH I. & R.

It would seem that the establishment of a just or even of an acceptable basis of representation in the California legislature offers an insoluble problem unless the voters themselves should

take a hand in the matter and by the initiative and referendum make the change directly. And even that possibility is rather remote. In the first place some agreement would have to be reached between leading citizens in the different sections of the state, a process even more difficult outside the legislature than in it. And the chances are that even if a plan of reapportionment were agreed upon one or more counter plans would be offered, with the result that none would be adopted. The inequalities in representation in the California legislature seem destined to continue for some years, and continuing will in the near future constitute an increasingly important cause of irritation, friction and distrust. The situation is unfavorable for the accomplishment of any unified program of constructive legislation.

PURPOSE OF SPLIT SESSION

The proposal to establish a council carries with it also another change with respect to the California legislature. The council is required to be in continuous session until it finishes its work. This is undoubtedly intended deliberately to abolish the practice inaugurated with the amendment adopted in 1911, which provides that a session of the legislature, except an extraordinary session, must at the expiration of thirty days after its commencement take a recess for not less than thirty days. Upon reassembling after the recess the legislature may remain in session as long as it sees fit, but an attempt is made to discourage the introduction of new bills.

This so-called "bifurcated session" was advocated by those who proposed it for four purposes. It was argued that, after a thirty-day session during which all the bills which were likely to be considered had been introduced, a thirty-day recess would be useful in giving the members time to consider and digest these measures and reach some conclusions as to their merits. It would also give the public a chance to get acquainted with the problems facing the legislature and to advise the members so that there might be some chance of a nearer approach between public opinion and legislative action. In the third place it was expected that the legislature might use the thirty-day recess for the purpose of conducting investigations either into the conduct of administrative branches of government or upon such public questions as were most pressing at the time. Finally it was expected that the provision for a recess would prevent the introduction of measures late in the session when they might be rushed through without adequate consideration.

REASONABLY SUCCESSFUL

These expectations with respect to the divided session have generally been realized, though not all members use the recess for the purpose intended, nor does the public generally take enough interest in the work of the legislature to inform itself. Nevertheless the recess has been found very useful by chairmen of committees in affording them time for the analysis of bills and in the preparation of committee reports; and the fact that the clerical staff of the legislature is kept busy during the recess in publishing and mailing thousands of copies of the bills is indicative of some interest on the part of the public. During the session of 1921 the one month's recess was taken up with a debate over the proposed revision in the tax law which engaged the attention of the citizens from one end of the state to the other. It is not too much to say that this delay afforded the proponents of the measure an opportunity for securing a very wide discussion without which they would have

had no chance whatever of securing its passage. It is quite possible that in every session there will be at least one measure of such transcendent importance that a thoroughgoing discussion will be highly desirable if not absolutely necessary. For that reason if for no other the thirty-day recess ought to be continued. Perhaps an equally important advantage will be the opportunity which the recess offers for carrying on legislative investigations. So far not a great deal of experience is available to judge of its significance from this point of view. During the session of 1923 several special committees conducted investigations on a variety of subjects. Most significant of these were the inquiries into the expenditure of money in election campaigns.

With the adoption of a new budget procedure it is possible that the bifurcated session will find another use. The governor is now required to submit the budget within the first thirty days. If he should introduce it at the beginning of the session, the first month may be taken up with the consideration of his proposals. It is possible that the budget might be disposed of before the recess, thus leaving the recess and the following session to take care of the work of legislation proper. This would be particularly useful if it turned out that the budget required changes in the tax system. The appropriations having been settled first, the exact kind of tax could be determined upon after an investigation to be undertaken during the recess period.

Doubtless other uses for the recess period will be developed. At any rate the more important members of the legislature, those who take their responsibilities seriously, do not look with favor upon any measures to reestablish the continuous session.

ONLY NOMINALLY PARTISAN

One important feature of the California legislature would probably not be disturbed by the proposed single-chambered council. It would continue to be nominally partisan but really nonpartisan. As long as the California primary law remains as at present it is possible for one person to be a candidate for the assembly or senate in the primaries of all the political parties. If he can secure the highest vote in each of the party primaries in his district he can become the candidate of all of the parties. A majority of the members of both the 1921 and 1923 sessions of the legislature had been nominated by two and in some cases three or more parties for the offices which they held. All but a very few of the members of the legislature are registered as Republican, but the fact that they were also candidates of the Democratic, Socialist, Prohibition and other parties indicates that the label "Republican" is of significance only for the purpose of getting votes.

The organization of the legislature, therefore, does not follow partisan lines as it does in New York, Ohio, Missouri, and other states. In 1911 the so-called "progressive" element in the state was successful in securing the election of enough members to control the Republican caucus. Since that time there has been only one caucus, commonly called "*the* caucus." It has been attended by all those known as progressives as opposed to the machine or reactionary members. It has succeeded in every session down to 1923 in organizing both branches. A part of this success has been due, beyond doubt, to the fact that the governor of the state during this period has been a progressive Republican. His power over the appointment to state office has given him very important influence

over legislators. For this reason, and because the little patronage at the disposal of the two houses themselves will go to those who belong to the majority, there has been little difficulty in maintaining a strong "caucus" organization in spite of the many changes in membership from session to session. It is significant that with the inauguration of a governor of different stamp in January, 1923, the situation in the legislature has changed. The senate was organized by the "caucus," but the assembly came under the control of the adherents of the new governor, who in their own rival caucus planned the organization afterward effected. It must be admitted that this type of partisanship more nearly represents the true divisions of public opinion in the state than the traditional splitting along the lines of national parties still so characteristic of legislative organization in many states. The frank disregard of the names Democratic and Republican in state politics is enabling the voters of California to meet their domestic problems more honestly and intelligently.

THE COMMITTEE SYSTEM

Doubtless a single-chambered legislature would not eliminate another time-honored institution,—the committee system. In California this obviously inevitable legislative device has flourished unchecked. In the senate there are just forty committees, with forty chairmanships. Need one be reminded that there are just forty senators? In the assembly the members have done their utmost, but so far have created only fifty-two committees. Apparently the legislative imagination has its limits. Of course the real work of the session is done by a few important committees, and all the important members are on these committees. Yet there is gain in dividing the work of legislation, as is done in the senate, by making each member responsible for the bills on some one subject. If there is anything to criticize it is found in the opportunity offered for a flagrant though limited spoils system. If there are committees there must be committee clerks, and who are so likely to make good committee clerks as the political friends of the various committee chairmen? Indeed the members' own families furnish the best candidates for various legislative "jobs," or at least it so appears to some twenty-five of the members. However, the total number of attachés is so small and the need of the members for clerical help is so great in the closing weeks of each session that objection to the numerous committee clerkships meets with small sympathy.

PUBLICITY FOR THE LEGISLATURE

In the matter of providing opportunity for publicity the California procedure leaves little to be desired except in one particular. The only official records of the legislature's activity are the journals. Now the journals are only the merest skeleton outlines of the actual procedure. About the most that can be learned from them is the names of the members who introduced bills and resolutions and the way the members voted on the various measures. These facts are of great importance to the public, but more significance attaches to the reasons which impelled members to vote. Of greater interest still are the doings of the committees. Unfortunately, however, the records of the committee meetings are not kept in detail nor are they published; in many cases there are no records at all. On the other hand the sessions of the senate and assembly are of course open to the public as the constitution directs. The meetings of the standing commit-

tees also are open to the public. It is true that the committee rooms are small and do not accommodate a very large number of persons, yet the meetings of committees dealing with important measures are always well attended, and there is ample opportunity for representatives of all the interests of the state to make their views known to the members.

On the whole the general public knows what has been done only through following the record of events as reported in the press. With respect to the sessions of the chambers the newspaper accounts are reasonably adequate, though the bias of the journals of the state makes it impossible to get a complete record from any one paper. The representatives of the press have their desks on the floors of the chambers, not in the galleries as is the usual case in most states. This affords them opportunity to confer with members while debate is in progress and to keep in close touch with the course of legislative events. But as concerns the work of committees the journalistic record is not very useful, as it is only fragmentary. The representatives of the various papers rely apparently upon the accounts given them by such members of the committees as they happen to know well personally. However, what the public loses by the failure of the legislature itself to keep adequate records and of the newspapers to present complete and impartial reports is more than made up by the remarkable series of books about the work of the legislature which has been appearing since 1909. These books, the work of an able and experienced free-lance journalist, Mr. Franklin Hichborn, of Santa Clara, constitute not only a record of the work of each session but a penetrating analysis of the problems presented and of the forces and interests at work on these problems inside and outside the legislative halls. This sort of aid to public opinion can be supplied neither by the journals of the two houses nor by the newspapers.

HOW THE LOBBY WORKS

An interesting feature of the California legislative practice is the way in which the so-called lobbyists carry on their operations. In most states the lobbyist, as the name implies, is usually not very conspicuous in the legislative chambers themselves, but in California both houses of the legislature have been somewhat too hospitable in admitting visitors to the floors of the chambers. The senate is a little more stringent than the assembly in this respect. Yet in both houses almost any visitor is permitted to enter the chamber, move freely up and down the aisles and confer with members even during the formal transaction of legislative business. Indeed it is no uncommon thing, in the assembly especially, for the seats of members to be occupied by persons who have no right to be in the chamber at all. The records of legislative proceedings in the state in the past fifteen years reveal many instances in which a fight over a particular measure was directed from the floor not by members but by lobbyists employed by conflicting interests in the state. From the desks of members and acting through committee chairman the lobbyists commanded the opposing forces as effectively as generals on the field of battle.

Some citizens have been moved to righteous indignation over the spectacle of servants of the "corporations" in command of a group of legislators, successfully opposing measures to restrain the alleged predatory activities of the railways, the power companies, and other public utilities in the state. Others have been equally indignant

when the commander-in-chief has been the paid representative of the labor unions. Nevertheless there is much to be said in favor of the California practice as compared with the way in which the same sort of thing has been done in Pennsylvania, New Jersey, Illinois, in times past. At any rate the representatives of the press have no difficulty in finding out just who is responsible for influencing the actions of the various members. Doubtless the publicity which the California methods of lobbying produce offsets to a very great degree the bad features of lobbying in general.

The California legislature is by no means perfect. Its failure to adopt a just apportionment of representation is a standing disgrace. Some aspects of its procedure are hardly to be commended. It has to be curbed by the "referendum" and its work supplemented by the "initiative." But in spite of its faults, he would be a bold prophet who would predict the establishment in its place of unicameral body within the next generation.

THE TWIN CITIES AND THE HOLDING COMPANY

THE MINNEAPOLIS STREET RAILWAY STORY

BY H. M. OLMSTED[1]

A not very pleasant story of an investigation of the books of a street railway holding company. :: :: :: :: :: :: ::

Minneapolis and St. Paul, the "Twin Cities" of the Northwest, lie immediately adjacent to each other, along the upper Mississippi River. Together they constitute a very considerable section of the population and power of the state of Minnesota; but they are separate as to municipal government and distinct as to distribution of business and population centers, and in varying degrees as to political, commercial and industrial interests and other characteristics of their people. The most obvious connecting link in the situation is the transit system of the two cities; and even this functions through nominally separate corporations, one for each municipality, which are in turn owned and controlled by the Twin City Rapid Transit Company.

Both cities have had their difficulties with the street railway companies, especially since 1914, when negotiations for new franchises began to assume importance, and since which time matters of franchises, valuations, rates and governmental control have occupied a large place in local and state politics. In Minneapolis the city engineer, for the city council, and the Minneapolis Street Railway Company both made valuation studies as a basis for a proposed franchise which was favored by the company but was defeated at the polls in 1919 after a very active campaign. Conditions brought about by the war were made the reason for later

[1] Associated with Delos F. Wilcox as consultant on public utility matters.

negotiations between the company and the governments in the two cities, which resulted in a temporary six-cent fare in both. Minnesota has long been known as a stronghold of home rule, in regard to public utilities as well as other matters, but in 1921 the state government became involved in transit affairs, a bill being put through the legislature transferring rate-making powers for street railways from the cities to the state railroad and warehouse commission, and in effect abrogating the franchise contracts of the cities, which had thus far remained unalterable except by mutual consent.

The 1921 street railway act authorized cities to employ experts to make valuation and rate investigations in connection with rate cases before the commission, the expense of such investigations to be met, up to a certain point, by the companies. Under this provision each city selected experts for this purpose, the companies having petitioned for a seven-cent fare. Minneapolis selected Dr. Delos F. Wilcox of New York, and St. Paul chose Dr. Edward W. Bemis of Chicago.

EFFORT TO GET AT BOOKS OF HOLDING COMPANY

In the course of the Minneapolis investigation the Twin City Rapid Transit Company, which was nominally the holding rather than an operating company, appeared to stand in such an intimate relationship to its subsidiaries, both as to general finances and as to operations, that access to its books and records was deemed to be necessary. This was denied by the officers of the company at the start, except for the books covering a short period when the holding company admittedly acted as fiscal agent for the other companies. The city carried the matter to the state district courts, and after an intense legal battle between the city attorney and the ablest talent in private practice in the Twin Cities, including Mr. Pierce Butler, of St. Paul, it was upheld. In the language of Judge Horace D. Dickinson,

> Laying all fictions aside, the Twin City Rapid Transit Company is the actual owner and supreme authority in the actual operation of the street railway system of these two cities, including the suburban lines. It is a single system, urban, interurban and suburban, all interlocked in one harmonious management, which finds its source in the directorate of the Twin City Rapid Transit Company. The half dozen local companies which nominally function here and in St. Paul, true, are corporate, legal entities. . . . Behind and beyond this screen of local legal entities, which go through the motions of actual operations, is the master's hand and the master's voice, which cannot be mistaken nor disobeyed.

WHERE DID THE $2,000,000 GO?

No books of account for the period prior to 1900 were obtained, the company claiming that these had been destroyed; but a study of the books that became available under the order of the court was instituted. In connection with the investigation of the results of each year's operations for the system, it was disclosed that the sum of $25,109,380 had been paid out in dividends on Twin City stock in the period from 1900 to 1921, inclusive, whereas $27,158,977.46 had gone to the holding company out of the earnings of the subsidiary companies during the same period, leaving a difference of $2,049,597.46. The Minneapolis city council directed Dr. Wilcox to investigate and report as to this discrepancy.

It developed that in the period from 1900 to 1906, inclusive, the payments for dividends equalled the amount turned over to the holding company by the subsidiaries, the latter paying the expenses of the former directly. From 1907 to 1913, inclusive, the holding

company's books continued to show no operating expense accounts; but a total of $503,525.99 was retained out of the moneys turned over by the subsidiaries, of which $413,115.59 was expended through a "special reserve fund," and $51,949.06 was paid as taxes, leaving a balance of $38,461.34. The "special reserve fund" was established by action of the board of directors at a meeting in New York city on January 28, 1908; the minutes state, "Upon motion duly seconded it was resolved that $250,000 of the accumulated surplus of the company be transferred to a special reserve fund to care for such extraordinary outlays as may have to be incurred for purposes other than operating expenses, such as defending attacks upon the company's franchise and for discount on bonds." Of the $413,115.59, the sum of $160,000 was for bond discount; $91,107.85 was for litigation expenses in the successful effort, carried through to the United States supreme court, to establish the lack of power on the part of the city to modify the company's franchise terms, which Minneapolis, in view of the large profits of the company, was attempting to do by a "6 for 25 cents" ordinance; $43,552.16 was for items described only as "extraordinary expenses not properly chargeable to operation for the year"; $13,365.52 was for a traffic survey in Minneapolis; $3,567 was for various financial or corporate fees; and $101,523.06 was for items for which no purpose of expenditure was shown.

LARGE UNEXPLAINED ITEMS

During the remainder of the period (1914 to 1921, inclusive) the Twin City Rapid Transit Company carried various operating expense accounts on its own books, and through these $630,557.02 was expended out of a total of $1,546,071.47 by which receipts from subsidiaries exceeded payments for dividends during the eight years in question. The chief expense account was "Salaries and Expenses of General Officers," amounting to $250,448.94; this was in addition to the salaries of the same group as officers of the subsidiaries, an amount approximately twice as great being paid by the latter. The next largest account was "Miscellaneous General Expenses," totaling $217,277.63. More than half of this was money turned over to officers of the company in addition to their salaries, the use not appearing on the books. The account also included smaller amounts turned over to various other individuals without the purpose being indicated; and many miscellaneous items such as directors' expenses, transfer fees, postage, etc. Another account was "Law Expenses," through which $150,422.89 was expended. The largest items were an unexplained payment of $35,341.11 to the Capital National Bank; $34,300 to E. E. Smith, $24,663.23 to State Senator George H. Sullivan, $18,350 to W. D. Dwyer, $13,500 to N. M. Thygesen, and $3,250 to R. T. O'Connor. Mr. Thygesen and Mr. Dwyer were general counsel during this period for the company and for the subsidiaries, from whom salaries were also received. Senator Sullivan, a leader in the state legislature, had been to some extent the legal representative of the Twin City System in the city of Stillwater, Minnesota. The connections of Mr. Smith and Mr. O'Connor with the legal department were not generally known. They each received additional amounts through other accounts. The remaining $12,407.56 of the $630,557.02 was for minor items such as stationery, clerical salaries, etc.

Separated from the group of so-called operating expense accounts was a

somewhat related item of $208,486.12 for taxes.

The chief medium of expenditure during this eight-year period, other than the "operating accounts," was the account "Unusual Contingencies," which took over a balance from the "special reserve fund" in 1914. Through this account $574,523.19 was disbursed. Of this, $227,000 was deposited during 1919, 1920 and 1921 in the American Exchange National Bank; no explanation of its use was available. $221,571.33 was expended in connection with the appraisal which was being made by A. L. Drum & Company, and $27,528.03 was paid to R. W. Harris, a traffic expert. The remainder of the payments were chiefly to a list of individuals, with no indication of the nature of the services rendered.

POLITICIANS GET THEIRS

To quote M. H. Hedges, a Minneapolis newspaper man writing in *The Nation* for July 19, 1922,

> The report created unusual excitement. . . . The two names seized upon by the public with greatest interest were those of E. E. Smith of Minneapolis and R. T. O'Connor of St. Paul. Smith was credited with the sum of $41,000 in yearly payments from 1916 to 1921, and O'Connor with $20,000 over the same period. If the names of the late Boies Penrose of Pennsylvania or of Richard Croker in New York were found on the secret minute books of the United States Steel Corporation they could not cause a greater upheaval of public opinion than did the names of Smith and O'Connor in Minnesota.
>
> "Ed" Smith has been the unofficial head of the Republican State machine and "Dick" O'Connor of the Democratic State machine for more than twenty years. They are bosses of the American type, genial, loyal to friends and ruthless to enemies, and meticulously observant of the "get-on-the-party-band-wagon" philosophy. They are credited with exercising joint control of the city councils of the Twin Cities and of the State legislature. Smith was called by Theodore Roosevelt "a second Penrose," and from progressive Republicans in Minnesota he has lately won the nickname of "Governor Preus's Colonel House."
>
> Attention of the public was directed, too, toward the name of a former alderman who during the years from 1914 to 1919 received $15,240. Two members of the Central Franchise League, who had been known as radicals, who changed their minds over night about the cost-of-service franchise, in particular about the high valuation of $24,000,000 claimed by the company, were credited with $15,000 and $2,600 respectively. A former publisher of the *Minneapolis Tribune* received $8,000. The secretary of the *Minneapolis Journal* company was credited with $1,000. When the *Journal* published the complete Wilcox report, *minus the excerpts from the minute books*, it explained that the sum was for payment of a campaign for the "prevention of industrial accidents."

The city council was not satisfied with the lack of information as to the use to which had been put the $227,000 deposited in the American Exchange Bank, and as to the other smaller bank deposits. Action was brought in the state district court to compel access to such information, and on July 25, 1922, the court ordered the company "to give a letter of instructions to the American Exchange National Bank of New York City, directing said bank to grant to Neil M. Cronin, city attorney, and to Delos F. Wilcox and any member or members of his staff designated by him in writing, access to all the records of said bank pertaining to any account of the Twin City Rapid Transit Company in said bank at any time since January 1, 1919, whether said account is in the name of said company, or in the name of Horace Lowry, president, or in the name of Horace Lowry as an individual, or in the name of any other officer or agent of said company. . . ." The order also covered access to the stock records of the holding company, which had hitherto been refused, and to certain other supplementary data.

ACCESS TO HOLDING COMPANY'S BOOKS GAINED AT LAST

An appeal was taken from this order to the Minnesota supreme court by the company, and a decision was handed down by the latter court February 2, 1923, upholding the city's contentions as to its general right to the holding company's records, but denying access to the information regarding the bank deposits. The company had made the statement that no claim would be made by the Minneapolis Street Railway Company that these deposits should be considered "as a part of the costs, overheads or expenditures of said company in arriving at or establishing any rate of fare to be charged by said company." On this stipulation the supreme court ruled that the defendants would not be required to disclose the information, saying, "For all practical purposes the moneys expended are to be treated as still in the treasury of the transit company and a charge against it in the rate proceedings, and hence the order under review must be modified."

The right of access to the holding company's stock records was granted. An inspection of the latter was accordingly made, and the actual ownership of the street railways in the Twin Cities was determined. Among other matters the interesting fact was brought out that of the owners of the common stock of the Twin City Rapid Transit Company, the New Jersey corporation which controls local transportation in and adjacent to these two Minnesota cities and operates in no other locality, the majority are residents of Canada.

The decision of the state supreme court marks the end of litigation prior to the rate hearing before the state railroad and warehouse commission, and it is expected that the latter will be concluded during the present summer.

Thus far the Minneapolis investigation has had several features that are of general interest to the student of municipal government and municipal utilities—features which are dealt with in these pages. The holding company, so often immune from investigation, has had its accounts and records laid bare, and a practical and concrete illustration of the entry of public utility funds into local politics has been revealed. To be sure, the city has not been given as much freedom of investigation as it felt entitled to; a member of the council interpreted the final court decision as giving the right to investigate legitimate expenditures but not illegitimate ones; but in general as to all records of public utility operating companies, and of affiliated companies where these serve to screen the financial operation and status of the primary company, and even as to the records of the holding company—the "master's hand"—the city's right of access has been greatly strengthened by judicial precedent and actual accomplishment, won after a thoroughgoing contest wherein the issues were squarely presented and were ruled upon with unusual definiteness.

CHICAGO'S NEW MAYOR

BY MAYO FESLER

Formerly Secretary City Club of Chicago, now Director Citizens League of Cleveland

This will tell you about the personality of the man, the campaign he conducted, the traps in his path and his chances of success. He is the most striking figure in municipal government to-day. :: ::

WHETHER Chicago is really going to recover from the political distemper of the past eight or ten years depends largely upon one man—Mayor William E. Dever. The voters on April 3 indicated that they were ready for such recovery when they elected him mayor by a plurality of 103,748 votes. Of course no one thinks that he alone can perform the miracle, but if his leadership is exercised in the right way the disposition of the people is to swing into line behind a leader who will suppress crime, give the city a decent and honest administration, and undertake the solution of some of the big and difficult problems confronting it.

No man ever entered the mayor's office with more general confidence and with a more sincere and generous feeling of good will on the part of citizens. Republicans and Democrats alike have accepted his election as auguring a new and better chapter in the life of Chicago. Judging him merely by his past public performances the people believe that he will measure up to the confidence which they have in him.

A SELF-MADE MAN

Judge Dever is a self-made man who has given twenty-three years of public service to the city in which he lives. Born in Massachusetts in 1862, he came to Chicago in 1887 and entered the tanning trade as an employee. He worked by day and studied law at night. He graduated from the law school in 1890, passed the bar examination and took up the practice of his profession.

In 1902 when political conditions were bad in the old seventeenth ward, the honest people of the ward, among whom were Graham Taylor of the Chicago Commons, induced Mr. Dever to be their candidate. He was elected by a good majority and began his career as a member of the city council. He was re-elected for four succeeding terms, each time with the strong endorsement of the Municipal Voters' League. The League said of him in 1900, "An extremely creditable nominee;" in 1902, "A man of much ability and force of character;" in 1904, "Great credit to his ward;" in 1906, "Excellent record; exceptionally efficient—the ward would do itself an injustice if it failed to re-elect him;" in 1908, "A man of independence; a credit to his ward;" in 1910, "A man of vigor and principle, possessing qualities of leadership, especially useful in emergencies—unbroken record of honest voting; an alderman of whom his ward should be proud." Seldom has a public official in Chicago had such progressively good commendation from the Municipal Voters' League.

A LEADER AS ALDERMAN

During his ten years in the city council he was recognized as the leader of

the forces which stood for municipal ownership and operation of transit lines. He was a Democrat in politics and voted with his party except when he believed the majority was wrong. Then he did not hesitate to vote against the organization. When the council amended the Dunne traction ordinance and Mayor Dunne vetoed it, Alderman Dever voted to sustain the mayor in spite of political pressure of the councilmanic majority. When the question of higher saloon license was pending and the friends of the saloon were opposing Alderman Dever, because he was an advocate of the proposed increase, he carried the issue to the voters in his ward and won an easy victory. Mayor Carter H. Harrison said of him once, "I found him able to make up his mind and keep it made up."

He was elected judge of the superior court in 1916 and again in 1922. He was twice selected from among the superior court judges by the state supreme court justices to serve as chief justice of the appellate division of the northern district of Illinois. He was serving on this bench when chosen as the Democratic candidate for mayor.

Both political parties in Chicago are rent and torn into factions; and for some time prior to the spring election it looked as if Mayor Thompson would again be able to take advantage of these factional splits and slide into the mayoralty for the third time as a minority mayor. But fortunately for Chicago, a nonpartisan citizens' committee was organized at a conference in the City Club which prevailed upon the factional leaders in both parties to bury their differences and name party candidates behind whom all factions could unite. When the Democratic leaders finally united on Judge Dever, who was equally acceptable to the Sullivan, Dunne and Harrison factions, and asked him to be their candidate, he accepted the nomination with the distinct understanding that he was making no party promises and the campaign should not be a partisan one. All through the campaign he declared that if elected, he expected to be a nonpartisan mayor. Even in his inaugural he emphasized his intention of giving the city a nonpartisan administration and he urged the council to organize itself on a nonpartisan basis.

NO MUD SLINGING IN CAMPAIGN

The campaign was unique in the history of Chicago. If ever there was an opportunity to nail a past administration on the cross of wasted effort and political corruption, Judge Dever had the chance; but he refused to follow this line of attack. The public, he said, is saturated with glaring headlines about city hall corruption. They want a rest from this form of publicity. They want to know whether the candidate is sincere and whether he will perform what he promises. The campaign was singularly free from mud slinging. Efforts were made to drag in the religious issue, but Judge Dever insisted that it had no place in the contest and he refused to recognize that any such issue really existed.

During the entire campaign he took the public completely into his confidence, discussed with them frankly the problems before the city, but made no rash promises as to the particular method of solution. When he discussed the traction question he frankly told them that, while he had always been for municipal ownership and operation of transit lines, he was not ready to commit himself as to the particular terms on which the city should take over the properties of the street railway companies. He assured the people that he would oppose buying any water in the stock, yet he would

also oppose confiscation of the property of legitimate stockholders. When he was asked regarding the punishment of the twenty-four indicted school board members and employes, he refused to make any attack upon them and declared that, although 70,000 children were going to school in tin shacks, while school funds were being squandered, he did not propose to say anything that would make it difficult for these indicted men to get a fair trial.

Warmly supported by many business and professional men like Colonel A. A. Sprague, Graham Taylor, Professor Charles E. Merriam and Raymond Robins, Judge Dever convinced the voters of his sincerity of purpose, and as a result was elected by the second largest majority ever given to a mayor in the history of the city.

APPOINTMENTS HIGH GRADE

He has been in office now a little over two months, and thus far the people have had no reason to question his sincere intentions to give the city a decent, honest, and efficient administration of municipal affairs. The first appointment he made was that of Francis X. Busch as corporation counsel, a director of the City Club and an advocate of civil service reform. He then prevailed upon Colonel A. A. Sprague, head of a large and well-known grocery firm to become commissioner of public works. He chose Mary MacDowell, head of the University Settlement, as commissioner of public welfare. He selected Morgan A. Collins, a man from the uniform ranks with a good record, as chief of police. He named Nicholas R. Finn, attorney and former alderman, as president of the civil service commission, and he is generally regarded as a high-grade appointment.

On the other hand, Mayor Dever has not ignored his party organization, and he has judiciously sought not to offend the party leaders. In fact, it is generally known that he has refrained from appointing men whom he thought were well qualified for positions because the organization would not approve of the appointments. From long experience he knows the intricate workings of the city hall machine and the ease with which a little sand can be thrown into the bearings. He knows when the bearings need a little oil to make them run smoothly, and when the springs need a little graphite to carry them safely over the rough roads. He has the saving grace of recognizing practical politics while trying to be an honest mayor.

THE HUNGRY PACK OF OFFICE SEEKERS

How well he will succeed politically is yet to be seen. The council, which is strongly Democratic, is not in full sympathy with the mayor's attitude. It took the combined influence of the mayor and the party leaders, as well as the pressure of strong public opinion to compel the council to adopt even a moderately good organization of its committees.

The clamor, of course, is always felt most from the politicians, not from the interested public. It is the political leader from the ward who haunts the offices at the city hall and consumes the mayor's time. It is the loud lamentations of the job seekers which greet the ears of the chief executive and the heads of his departments, and not the silent approval or disapproval of the busy citizens who seldom enter the doors of the city hall. If Mayor Dever can properly distinguish between the noisy clamor of the job seekers and the silent support of the large body of independent voters who want honest and efficient government, regardless of who holds the offices, he has a fine

chance of making good and of leaving a proud record of achievements behind him when he retires from the office of mayor. But, if he becomes stampeded by the loud noise of the faithful, his administration will take on a colorless tone and he will get by with just an honest administration. The noise of the hungry is growing in intensity already. It can be heard even outside of the city hall. The mayor is trying to satisfy and suppress it by giving half of his office hours to job-seeking interviews. Whether this will satisfy the hunger for loaves and fishes remains to be seen. At least the mayor is not making the fatal mistake of ignoring these local party leaders entirely.

TRANSIT DECISIONS PRESS

It is, of course, too bad that the mayor's mind at this time should be distracted by these patronage issues because he has some very big and pressing problems which must be solved without delay. The whole traction situation in Chicago is in a state of chaos, and the date of the expiration of the franchises in 1927 is rapidly approaching. Before that date he must not only determine the questions of policy involved in municipal ownership and operation of transit lines and submit these questions of policy to a referendum of the people, but he should begin building subways in order to relieve the almost intolerable conditions in the loop district. At the same time, he must be seeking some way of extending elevated and surface lines in order to meet the pressing demands for transit facilities into outlying and rapidly growing sections of the city.

Chicago and its environs are increasing in population at the rate of nearly a million people every ten years. The metropolitan district already contains more than three million people, yet it has a transit system suited to a city of a million. The struggle has been on between the people and the traction companies since the days of Yerkes; but the solution seems no nearer than it was when Mayor Dever as alderman was fighting for municipal ownership in the days of Mayor Dunne. Mayor Dever has declared for municipal ownership and operation; but he has not as yet indicated how he is going to get over the hurdles of a constitutional limitation on indebtedness, a state public service commission which is generally regarded as sympathetic to private ownership and control, and the natural disposition of the traction companies and their stockholders not to part with properties which are paying good and safe returns on the investments. The mayor says he intends to see that the city does not buy any watered stock in the purchase, and that there shall be no confiscation of the property of the stockholders. It will be most interesting to see how nearly a fair-minded man of Mayor Dever's type can carry out this policy of fair dealing in this wilderness of conflicting and selfish interests. Usually such a conflict has ended successfully only by the use of sledge hammer blows by a Tom Johnson or a Mayor Couzens, and without much regard for the vested property interests involved. If Mayor Dever can steer a straight and successful course through this transit maelstrom which is bound to reach flood tide by 1927, maintain this spirit of justice and fair dealings which seems to be one of his outstanding qualities, and bring his boat safely into quiet waters, without loss of oars or rudder, he will deserve a prominent place in the niche of fame.

SCHOOL BOARD FALLS UNDER A COUP D'ETAT

While the new mayor impresses everyone as being far from the mili-

tant type, but rather of the calm, cautious and judicial type, yet he has already shown that he can take hold of a difficult situation with a firm and courageous grasp. When he took office he had a board of education on his hands which was generally regarded as a political instrument of Lundin and Thompson. Moreover, the members had been appointed by Mayor Thompson under a state law, which gave them a four-year tenure without possibility of removal until the end of their respective terms. About a year ago, when some members of the board and some of its officers were before the grand jury accused of graft, a majority of them, on the request of Mayor Thompson, had filed their resignations with him. But since three of them refused to do so, he withheld acceptance of those who had submitted their resignations and filed all of the letters. These letters were still in the files when Judge Dever became mayor. On advice of his corporation counsel, he took them out of the files, accepted the resignations, called a special meeting of the city council, submitted a list of high-grade appointees for the board and they were approved by a unanimous vote of the council. The protests of the old board members were ignored. Police officers were stationed at the door of the board room when the regular meeting was to be held. The old board members were refused admittance. The new members met, organized, and proceeded to business. While the new mayor does not seem inclined to swing the big stick, he indicated in this instance that when the big stick is needed, he can roll up his sleeves and swing it with a right good will.

REPUBLICANS WELCOME HIM

The Chicago public has confidence in the new mayor. Even the City Club felt that it could, without being accused of partisanship, give a reception and dinner to the mayor and his cabinet. The dinner was given in the clubhouse on June 1 and addresses, other than the mayor's reply, were made by Republicans.

The outlook is bright for Chicago's recovery from the political profligacy of the past eight long years of Lundinism. Chicago is essentially optimistic and progressive, and with all of her western vigor quickly recovers from these political mistakes. If the state legislature can be induced to loosen some of the bands with which the city has been bound, Chicago will soon come back.

DES MOINES AFTER FIFTEEN YEARS' COMMISSION PLAN GOVERNMENT

BY H. W. BYERS
Des Moines, Iowa

The continuance of commission government or its abandonment in favor of city manager government is a hot question in Des Moines. This article is favorable to the commission plan. It will be followed by one on the other side. :: :: :: :: :: :: ::

In 1908 Des Moines had reached a population of substantially eighty thousand. During all the years of its growth up to this point the government of the city was what was known as the old ward system, supplemented during the last half dozen years prior to the change to commission government by what was known as the board of public works.

This board was composed of two members, who were appointed by the city council and were given more independent power than the average city manager. All official acts of the board under the plan were required to be unanimous. The city council drew a mere nominal salary, largely on the theory that the business of the city would be conducted by the board of public works.

DES MOINES AS SHE WAS

At the end of more than fifty years of this kind of government, notwithstanding the annual tax burden was as high, or higher, than in most other cities of the same size in the country, Des Moines, surrounded by every natural condition necessary to make the city not only the richest, but the healthiest and the most beautiful of any city in the country, had no civic pride, little if any courage, and no vision. As a writer said of Des Moines, "It was dead, but unburied." If it had any reputation at all it was as a quarrelsome, filthy place, both physically and morally. As the above writer said in an article in the *Technical World* for February, 1910, in reviewing the first year under the new plan,

> Billboards and houses of ill-fame were permitted to line the banks of the river, regardless of moral corruption or physical pollution; while the accumulated filth of months reposed serenely in unswept alleys, or, borne on the wind, carried disease to every quarter of the city.

This is a sorry picture, but it is not overdrawn. The writer could have added to his picture the fact that at that time the conditions on both sides of the river intersecting Walnut Street, Locust Street, and Grand Avenue, the three principal thoroughfares leading from the heart of the city to the Capitol on the east, were such that it was unsafe for either man or woman to cross the bridges on these streets after dark.

It was under such conditions, and out of a last struggle for the life and good name of the capital city of Iowa, that what is now known as the Des Moines Plan of Commission Government was adopted, thus making of Des Moines one united city out of seven contending wards. Under the old plan we could not rise above any-

thing beyond local ward interest. The tenure of the ward alderman depended entirely upon the things he could secure for his ward. Therefore, the entire city must be content with "small things," sidewalk crossings, street lamps, local fire stations (whether needed or not), inadequate and unsafe bridges, in short, a one-sided, unhealthy and unhappy community, noted only for the intensity of local "divisive" strife.

NEW PLAN RELEASED HER FROM BONDAGE

The new plan enabled the city to center attention on great moral questions, to regulate, and finally to drive out saloons, to deal effectively with vice, to drive out prostitution and gambling (or at least to reduce these evils to a minimum), to banish the red light district, to regulate pool halls, to supervise and control dance halls, to maintain and establish playgrounds, health centers, public nursing and free clinics, to maintain swimming pools, where before there was nothing but cesspools—in short, to put into the government of the city what may properly be termed "heart and soul."

It enabled the city to deal effectively with public utility questions, where not hampered by other state laws or lack of them; in fact, Des Moines was one of the first cities in the United States that compelled one of its utilities to return to its customers, citizens of the city, over one hundred thousand dollars in excess charges, and it may truthfully be said that this evidence of independence, and concern for the interest of the public, and the utility user's right to have service at a fair price, for a time at least, had a salutary effect on all the other utilities in the city.

Commission government as found in Des Moines is founded on the idea of a pure democracy, and *the complete supremacy of a well-informed public opinion.*

It therefore abolishes petty partisan politics, and substitutes the politics of the community and the home.

It embodies the initiative, the referendum and the recall.

All business must be transacted in public. No star chamber sessions of the council are permitted.

IMPROVEMENTS BEFORE AND NOW

After fifty years of the old plan Des Moines had an outstanding bond obligation of substantially a million dollars, representing largely annual deficits and without anything to show for the money spent, few if any permanent improvements, no bridges worthy the name, no municipal enterprises of any kind, no permanent public buildings, no hospitals, no playgrounds, no downtown parks or breathing places, no swimming pools—absolutely nothing upon which civic pride could thrive and grow, and no method of retiring the outstanding bonds except to wait until they matured, and then fund, or refund them, as the case might be. Since 1912 all new issues of bonds by the city have been serial bonds, payable at stated periods, so that the bonded indebtedness of the city is being retired as the improvements for which they were issued are being enjoyed by the public.

For strictly city purposes the rate of taxation per thousand for the last five years ending April 1, 1921, was

1917	$11.10
1918	11.07
1919	11.30
1920	13.90
1921	13.66

During 1918, '19, '20, in addition to the added expense of Camp Dodge, and in response to the national govern-

ment's earnest plea for labor for the returning soldiers, the city contracted for and constructed several bridges at a cost of approximately a million dollars, completed contracts for paving, curbing, sewers and grading at a cost of, in round numbers, two million dollars, completed the municipal court building and detention hospital at a cost of $600,000, purchased and equipped the new city hospital at a cost of $100,000. It ended one of the longest and most disagreeable utility contests the city has had to contend with by the purchase of the water plant for the sum of $3,525,000, a plant which could not be reproduced today for less than six million dollars. If all of the above improvements were to be made this year, or at any time within the near future, the cost to the property owners would be at least several million more than the above amounts, thus showing that by acting promptly as prices and cost of labor began to soar, the city and property owners were saved on the foregoing items alone millions of dollars, and as time goes on the foresight of the commissioners will stand out more and more prominently.

UPS AND DOWNS

Naturally, in crowding such an extensive program of public improvements into so short a period, especially that part covered by the street department activities, resulted in heavy burdens in the way of special assessments, in many cases the assessments overlapping each other, and brought about a great deal of complaint and a demand that the city slow up and that taxes be reduced, a demand which was promptly met by the commission in power during the year 1921, and the present administration for 1922. On March 31, 1922, as shown by the auditor's report, there was a balance on hand in the working funds of most of the departments, the total amount of the balance being, in round numbers, $137,000. The showing for the year ending March 31, 1923, not yet entirely made up and included in the auditor's report, but the figures available, make a remarkably fine showing, there being a balance in every working fund—the balance in the consolidated general fund reaching $185,598.64. In the showing thus made for the two periods 1918–19–20, and the years 1921–22, may be found the real strength of the commission plan government. During the first period the commission promptly responded to what seemed to be, not only a national, but a community emergency, supported by a patriotic, intelligent public opinion, and made large and expensive improvements, some of which under ordinary conditions might, and probably would, have been postponed, but all of which were needed, and as it turned out all worth more than they cost. In the latter period the commission just as promptly responded to the demand for economy and a reduction in the cost of government, and the city starts the year 1923 with a surplus in the general consolidated fund.

At this point candor, and a fair statement of conditions, compels the statement that during the periods covered, what is commonly known as the "dead man's pay roll fraud" crept into one or two of the departments and indictments and prosecutions followed, and the guilty parties are now on the way to prison. This method of theft and graft, however, is not confined to commission plan cities, it appearing in one form or another in substantially every large business enterprise where large numbers of men are employed, and the number varies at different times; and the chances of

its successful operation, for a time at least, in cities of the size of Des Moines, under city manager plan, are far greater than under the commission plan, due to the fact that each commissioner is the responsible head of one of the departments of government and the scheme, to be successful, would have to run the gauntlet of five persons instead of one.

A very interesting comparison of the commission and city manager plan, written by Mr. Fred Lazell, will be found in *American Municipalities* for April, comparing Cedar Rapids, which is under the commission plan, with the city of Dubuque, which is under the city manager plan.[1] Among other interesting statements in the article, it is shown that for the years from 1910 to 1921, inclusive, the taxes paid on each thousand dollar's worth of property for strictly city purposes was from $3 to $4.50 more each year in Dubuque than in Cedar Rapids. Again, in referring to these figures, Mr. Lazell says:

> That is making a fine showing for Cedar Rapids during the years the commission plan has been in effect. It has been a decade of great growth in many respects, of bridge building, park purchase and development, the erection and maintenance of bathhouses, the installation of playground apparatus in all the parks, the acquisition and purchase of the island and the building of a sea wall around it, together with filling it, landscaping it, paving a street down half its length, and putting in curbing and sidewalks.

Thus making prominent the accomplishments for Cedar Rapids which makes the city more healthful, more beautiful and more livable.

MANAGER'S DUTIES TOO HEAVY

And right here can be found the fatal defect in the city manager plan. The manager must be an expert in administrative details, and ninety-nine times, under present conditions, out of one hundred, he must be imported. He knows nothing about local conditions, except those things which are common to all cities. He is not acquainted with the people; knows nothing about the local needs as they affect the home and the morals of the youth of the city. If he gets into trouble (which he will very soon if he attempts to perform his duty with courage and independence) he will be without close, friendly local help, and if a single newspaper joins in finding fault with him his usefulness will soon be impaired, and finally destroyed altogether. Citizens who measure their patriotism and civic pride by the size of their tax receipts are hard taskmasters, and the manager, to satisfy them at all, must devote all his energy and time to economizing and saving them money. It is a fine thing, of course, to practice economy in city affairs and to save the taxpayers money, but it is far more appealing to so conduct the affairs of the city that the health and strength and the morals of the kiddies are preserved, and that the needs of the community, as they affect the home, are given paramount consideration. It is because of this fundamental weakness in the manager plan that Columbus, Georgia, has had three different managers in ten months; that recently Long Beach, California, recalled their manager; that Waltham, Massachusetts, and Lawton, Oklahoma, abandoned the city manager plan; that Nashville, Tennessee, recently replaced one manager with another; that Oraway, Michigan, has just asked their manager to resign, and that just a few months ago 16,000 voters in Dayton, Ohio, voted to abandon the manager plan. Des Moines, during the entire fifteen years of the operation of the commission

[1] Dubuque did not adopt manager government until June 1920.—Ed.

plan, has never recalled, or seriously attempted to recall, a single commissioner, and but one in all that period has been forced to resign.

The city is in the heart of the state which Horace Greeley had in mind when he made his famous "Go West" statement. It has a population of 140,000, and is the best advertised city in the United States.

LONG LIST OF PUBLIC IMPROVEMENTS

In entertaining numerous gatherings and conventions, about the first thing that the local committee does is to show them over the city, and point out what we have for the money expended to make the city attractive and livable. And here is what we have:

Fine, up-to-date city hall	$500,000.00
Water plant, and 400 acres of park, worth now at least	6,000,000.00
City parks, golf, and playgrounds	3,085,000.00
Municipal court building	600,000.00
City library	475,000.00
Personal property	400,000.00
Market house and grounds	150,000.00
Police station (old)	50,000.00
Fire stations	238,000.00
Detention hospital	25,000.00
Cemeteries and grounds	310,000.00
Sewerage pumping station	27,500.00
Garbage plant	60,000.00
City hospital	150,000.00
City yards	35,000.00
Other real estate	75,000.00
River walls and flood protection	350,000.00
Sewers	3,251,967.04
Observatory	50,000.00
Reinforced concrete bridges	1,200,000.00
Grand Total	$17,032,467.04
Against which there were outstanding April 1, 1921,	
General bonds, payable out of general taxes	$6,157,719.80
Special bonds, payable from special tax levy	3,727,139.96
Total general and special bonds	$9,884,859.77

In addition to all the foregoing, the city has a civic center lining both east and west banks of the river, and intersecting Court Avenue, Walnut Street, Locust Street and Grand Avenue, with the municipal court building and grounds, the proposed federal court site, the grounds for the art building, the city hall and the natatorium site, ranged along the east bank of the river; on the opposite side the post office, library, and the coliseum, all tied together by four beautiful concrete bridges.

Six blocks east of the civic center is what is known as the Capitol Extension Park, the finest in the country, containing 94 acres, and costing approximately $2,500,000. In connection with the city hospital there is the public health, nursing, child welfare, and free clinic departments, rendering a service to the unfortunate and helpless which cannot be measured by money—departments in which hundreds of the little ones have been examined and treated for various defects and handi-

caps and started on the road to health and usefulness. Then there are miles and miles of paving and curbing, the Women's Club building and grounds, as fine as can be found anywhere; fine churches for every denomination, and the most ambitious school building program of any city in the land.

No other city in the United States, in the Des Moines class as to population and other similar conditions, has as small an outstanding indebtedness, and as much to show for what has been spent. This, with what the city has accomplished in the last fifteen years, ought to satisfy any fair critic that the city, under the Des Moines commission plan, has not only met every fair test of good government, but that during that period it has housed and taken better care of its helpless, unfortunate and sick, and kept the city morally and physically cleaner than the average city of its size.

These are the things upon which our civic pride is based, and upon which our hopes for the future rest.

ITEMS ON MUNICIPAL ENGINEERING

EDITED BY WILLIAM A. BASSETT

Serious Water-Borne Typhoid Outbreak Due to Unusual Cause.—A water-borne typhoid outbreak which took place during the past spring in Cochrane, Ontario, resulted from an unusual combination of conditions. The main cause, according to F. A. Dallyn of the Ontario Provincial Board of Health, was the temporary lowering of the level of a reservoir furnishing an auxiliary supply to that community which permitted a reverse flow from the reservoir outlet and admitted sewage polluted water to the reservoir. It appears that the main supply for Cochrane is taken from a series of springs. A limited reserve supply is obtained by collecting the overflow from these springs, in a reservoir, known as Spring Lake. During the past winter, which was preceded by a dry fall, and possibly, also, owing to considerable railway construction going on in that area, the capacity of the municipal system had been taxed to the utmost, with the result that the level of Spring Lake was depressed below that of the drainage area outlet. This outlet, unfortunately, connects with a lake receiving sewage. The whole area was under a heavy sheet of ice and snow at the time. Apparently the pump attendant did not realize just what hazard he was placing the municipality in by lowering the level of Spring Lake to three feet below that of Sewage Outlet Lake.

The possibility of some such accident was discussed with the municipality last year, and a by-law was passed to provide for expending a considerable sum for further reservoir capacity for the spring and for developing the springs somewhat further. Unfortunately, the town did not proceed with that work, nor with the purchase of a chlorine feed apparatus, which, also, was recommended.

Although the conditions at Cochrane are not likely to be duplicated in any other community, this disastrous occurrence constitutes a timely warning of the necessity for rigid control over all water supplies subject to possible contamination from sewage polluted waters.

Hazards of Building Alterations.—The need for rigid inspectional control by thoroughly competent engineers over the examination of structural plans and the execution of the building work was demonstrated in the failure at Hartford, Connecticut, on March 31, of a water tank tower which resulted in the death of ten men. The tower was 28 feet square, about 113 feet high above the ground and 124 feet high above the foundation. It supported a 50,000-gallon water tank. Subsequent to the failure a number of investigations into its cause were started. These investigations, according to Professor Carleton T. Bishop of Yale University, who reports on the disaster in the *Engineering News Record* of April 12, 1923, disclosed the fact that the original plans of the structure were modified materially during its construction. These modifications consisted mainly in the removal of at least half of the eight one-inch square sway bracing rods in the side faces of the steel tank support. These had been removed the afternoon before the accident. These rods extended from the top of each column to the bottom of the adjacent columns. They were removed by order of the engineers in order to permit the use of space beneath the tank. There is no evidence to show that the city officials were in any way derelict in the matter. The original plans on which the permit to construct was issued apparently met requirements for this class of work. Whether or not if the construction after it progressed, had been subject to rigid inspectional control, the removal of this bracing would have been permitted, is of course problematical. It was authorized by supposedly competent engineers. Three of the latter held to be responsible for giving the orders which resulted in the removal of the bracing were arrested on the charge of manslaughter following the coroner's inquest into the collapse of the tower. There is no evidence in their acts or others of any attempt to scrimp the work. It appears simply to be a case of where, in order to satisfy the wishes of the people for whom the building was being erected, the engineers made changes in the structural features without giving adequate consideration to the significant and probable

result of these changes. They took a chance, with disastrous results.

This regrettable occurrence should serve as a warning to engineers and architects as well as public officials responsible for regulating building construction that the interests of safety demand strict adherence to recognized principles and standards in building construction of all kinds.

Guarding Against Pollution of Harbor Waters by Oil-Burning Vessels.—A new problem in protecting harbor waters against pollution has arisen in the need for regulating the operation of oil-burning vessels in order to prevent the discharge of oil wastes or oily bilge water from those vessels when within the limits of or in the vicinity of the harbor. Since the war the rapid development of oil-burning vessels and the transport of oil by tankers has led to the serious pollution of harbor waters. Resulting conditions have increased materially fire hazards along the water front, have temporarily put bathing beaches out of business and caused serious loss by injuring and in some cases destroying shell fish. The present situation is one deserving the serious consideration of both national and local authorities. Most seaboard cities are protected in some measure at least by existing statutes governing the pollution of harbors. New York City, which probably has the most difficult problem of any port in this country with respect to the pollution of its harbor waters, is protected by both national and state legislation.

By an act of Congress of 1888 a fine of from $250 to $2,500 may be imposed for the discharge of "sludge" into New York Harbor; in 1894 and 1898 this act was amended so as to require permits of the masters of scows handling refuse and providing for inspection by the supervisor of the harbor. In addition, the state commissioner of health has authority to prevent the discharge of any refuse but sewage and street wash into the harbor.

In December, 1919, the board of aldermen amended an existing ordinance so as to make it unlawful to pollute the waters of the bay, and had five or more scows placed at the disposal of the supervisor to receive refuse from vessels.

The main difficulty lies in the enforcement of the law, which is chiefly within the province of the supervisor of the harbor, due to the ease with which the discharge of oil may be concealed and to the limited number of inspectors at the disposal of the supervisor.

Another difficulty lies in the lack of jurisdiction beyond the three-mile limit.

As the result of a series of national conferences on the problem of regulating oil-pollution of harbor waters legislation designed to afford substantial relief from existing conditions was prepared and submitted to Congress. This statute, the Appleby bill, among other provisions prohibits the discharge of oily wastes within 100 miles of shore. The bill in question deserves the energetic support of all parties interested in protecting harbor waters. It should be noted that it is to the interest of the ship owner to discontinue the practice of discharging oily waste into harbor waters.

In many cases the waste oils and tars could be salvaged at a profit, and this is now done in a few instances. However, it requires an educational campaign to make the introduction of this practice general.

Boston Considers Radical Change in Disposal of Waste.—Sweeping changes in the administration of municipal waste disposal by the city of Boston are proposed in a report submitted by George A. Johnson Company, Inc., to Mr. Joseph A. Rourke, commissioner department of public works, a digest of which appears in the Boston *City Record* of March 3. The outstanding features of the contemplated program provide for:

1st. The termination by agreement of an existing contract under which the final disposition of the bulk of the city's garbage is by reduction.

2nd. The establishment of eight incineration plants. The proposed location of these plants have been selected so as to insure in each case a comparatively short haul.

3rd. Discontinuance of all collection service by city forces and the adoption of the contract system for handling all of this work. At present part of the collection work is done by city labor and part by independent collectors operating under one-year contracts. The proposed plant contemplates the collection of all classes of waste together.

4th. The establishment at certain of the incinerators of plant equipment to be used in the generation of high pressure steam and the development of electric power. It is the

intention that the incinerators together with the auxiliary power plants shall be city owned but operated by private interests under a suitable franchise granted by the city.

The type of incinerator it is proposed to install in Boston is one which heretofore has not been operated in this country but has been used to a considerable extent in South American cities, notably in Montevideo, Uruguay. It is stated that a plant of this type is at present being constructed in Charleston, West Virginia. The main feature of this plant which differentiates it from other incinerators consists in the storage of the garbage and other refuse before incineration under conditions which promote the fermentation of organic constituents and produces a molecular readjustment which transforms the character of the refuse to a mass of easily combustible material. This stage of the process is accelerated by the application of waste heat from the combustion chamber of the incinerator. The claim is made for the process that in the subsequent incineration of materials thus treated high temperatures are developed assuring an abundant supply of power if it is desired to produce it.

The estimates of costs under the proposed system show substantial economies over those prevailing at present in the collection and disposition of the municipal waste of Boston. In the matter of refuse collection it is claimed that the adoption of a system of handling this work entirely by contract will effect an annual saving of approximately $461,400. The total cost of constructing and equipping eight incinerators having a daily rated capacity of 1,950 tons is placed at $2,255,000. The cost of operation and maintenance, including fixed charges on the capital investment together with allowances for sinking fund and depreciation, is estimated at approximately $641,000. The total cost of the proposed auxiliary power plants to be developed at six of the incinerators is estimated at $1,223,695 and the cost of maintenance of these stations is placed at approximately $223,000. It is anticipated that a revenue of approximately $527,700 can be obtained from the sale of electric power and other sources. The annual net saving to the city under the proposed arrangement is estimated at approximately $550,000.

The comprehensive plan for the collection and disposal of municipal waste which is now under consideration by the city government of Boston contains certain radical features of an unusual character. The proposal to handle all collection work by contract constitutes somewhat of a departure from conclusions arrived at by many students of the problem of waste collection in respect of the relative advantages of handling this work by contract or by city forces. The proposal to develop power in connection with the operation of incinerators is obviously not a new one. It is, of course, entirely possible to utilize heat resulting from the combustion of refuse to develop steam and electric power. This practice has been followed to a limited extent in a number of cities in this country. The experience of these communities in this matter has not been of a character that would lend conviction to claims made of extensive financial returns from such sources. The proposed type of incinerator, as has been previously stated, is as yet untried in this country although apparently used successfully elsewhere. The administration of municipal waste collection and disposal constitutes one of the most vexatious problems confronting city governments to-day. If Boston carries out the plan recommended, its operation should be watched with the greatest of interest by engineers and other city officials, particularly in the larger communities.

RECENT BOOKS REVIEWED

City Planning in Practice

THE LAW OF CITY PLANNING AND ZONING. By Frank B. Williams. MacMillan Company, New York, 1922. Pp. 738.

"To the average citizen the only real test of a principle is whether it works or not." Mr. Frank B. Williams thus opens Part VI of his book on city planning law, which is really a comprehensive work on the practice of city planning—dealing with principles, finance and administration as well as law. He shows us what the principles of city planning and zoning are, how they work in America and Europe under the law as it stands, and what improvements are needed both in law and administration.

THE LAWYER NEEDED IN CITY PLANNING

The preparation of a city plan requires the combined services of the architect or landscape architect, the engineer or surveyor and the lawyer. Men representative of these three groups at least are necessary to contribute the technical knowledge to make a plan that can be effective in its application. One group will dominate in one field of planning activity and another group in another field. In all operations and schemes the lawyer has some contribution to make and in certain fields he is the chief city planner. Edward M. Bassett, Alfred Bettman, and Frank B. Williams are three members of the legal profession who have done as much to advance the practice of city planning in America as any three men belonging to other professions. In study, in exposition of principles and methods, in practical demonstration they have helped to give it a reality and a standing among thinking people that could not have been possible without their aid. It is not too much to say that they have an enormous influence in the improved attitude of the courts of law in dealing with the practical problems of city planning that have come before them in increasing volume in recent years. Particularly in the field of zoning the lawyer has the major share of the task of putting plans into execution and of carrying them through to new conditions.

The book that Mr. Williams has written is, in its own field, the most instructive and scholarly work on the subject in the English language. It is not an ordinary legal treatise consisting of annotated acts with occasional interjections of opinion sandwiched in between lengthy quotations. There are lengthy quotations indeed, an extensive bibliography, an index of cases, and a wonderful index; but these serve the purpose of illustrating or systematizing a work which in the main consists of the author's original thought on the complex subjects with which he deals. Nor is the work merely a theoretical study without the background of experience, for Mr. Williams has had opportunities not only to observe the workings of the laws of which he writes in America and Europe but has been engaged himself in the practical work of preparing the ordinances required to give effect to planning and advising on many planning operations.

The book is invaluable as a guide to city planners and members of municipal authorities on the statutory limitations imposed upon them in preparing plans, but it is also useful to politicians and those who lead public opinion in showing the need and suggesting the methods of making the law more effective to secure the public welfare.

RAPID PROGRESS OF CITY PLANNING

Although one shares Mr. Williams' view that administrative methods are of slow growth in relation to city planning in America, yet perhaps the most striking feature of his book is its revelation of the rapid development of city planning law and of the improved attitude of the courts towards city planning in the last twenty years. His summary of principles, law, administration and finance show that we are in the middle of a remarkable period of achievement with many of the barriers to future progress broken down.

COMPREHENSIVE PLANNING

Mr. Williams believes in the comprehensive planning of regions and cities that deals not only with their public features, such as streets, parks and public buildings, but also with the control of subdivisions of private lands and of the height, volume and use of buildings erected upon such lands. His review of procedure and methods in different countries brings out the strength and

weakness of the methods in vogue in each country and shows the limitations of zoning, as practised in America, when not made subsidiary to the general city plan and carried out simultaneously with the control of the subdivision of undeveloped land.

He illustrates the need of comprehensive planning by referring to the case of New York city, where the construction of subways was begun without proper regulation of building, with the result that the additional means of transportation proved little more than a palliative in relieving congestion. When labor on the well-known zoning regulation of building was applied in New York, the effect was to make it easier to obtain the advantages of increased facilities for transportation. But even with the benefit of zoning New York has still got a transportation problem that cannot be solved without further restriction on the volume and height of buildings than is now imposed. The need of restriction is greatest, as Mr. Williams points out, in regard to limitations affecting bulk of buildings.

The tall building he regards as a peril, with its special fire risks, insufficiency of light and air, and injury to real estate values by reason of the fluctuation in the character and intensity in the employment of lands which their mere bulk causes.

In the chapter on "The Principle of Building Regulation and Zoning," the author excels in reasoned and clear statement of the theory of restricting use, bulk and height of buildings.

ORIGIN OF ZONING

Although Germany was the first country to develop zoning to any extent, the doubt may be expressed whether it originated in France. In any case, we must go much further back than the decree of Napoleon I in 1810, quoted by Mr. Williams from Baumeister, to find proposals to regulate the use of buildings and particularly to prevent the encroachment of industries into residence areas. Christopher Wren suggested zoning in this form in his scheme for rebuilding London in 1666, and this appears to have been the earliest known case of the proposed application of the theory. No doubt it is true, however, that German zoning had its origin in the decree referred to by Baumeister in 1876.

DEFECTS IN ENGLISH LAW

In England, where city planning deals primarily with undeveloped land, the greatest weakness of the law is that it is limited in application to special areas within cities and therefore does not encourage comprehensive planning. The limitation in the opinion of the writer is not so much the effect of the Town Planning Act, as it is of the timidity of the law officers and administrators, who control its application, in permitting its extension to lands already built upon. Whether this be the case or not, politicians and lawyers in England do not yet appreciate, as Mr. Williams appreciates as a result of his wide experience, that any city planning and zoning law that is not of general application to all land within a city is bad law, because it is based on discrimination and creates unequal burdens and unequal zone protection. This is the great weakness of the English act or of its interpretation by its administrators. The effect is that schemes are made, as Mr. Williams points out, that entitle owners and the community to receive benefits or force them to bear burdens in one part of the area of a city adjourning other parts where they do not receive these benefits or are free from these burdens. Under such limitations there cannot be equity; and the consequence is that in trying to avoid the bad effects of the law its good effects are not obtained to a satisfactory degree. Any co-ordinated zoning system is, of course, impossible under English law but, moreover, the compromises that have to be made to keep the effects of discrimination within reasonable bounds prevent effective zoning being applied even to the sectional areas that are planned.

EMINENT DOMAIN

It is natural that a large part of Mr. Williams' book should deal with eminent domain; with the distinction between eminent domain and the police power, with excess and zone condemnation, with the respective rights of the public and the owners of property, and with the attitude of the courts on these questions.

He shows how great is the power of the courts in resisting or promoting reasonable public improvements; resisting them because of too much partiality to private rights or promoting them because they recognize first that law should be adjusted, as far as constitutionally practicable, to suit change of condition, and second because they see that the modern city has brought about a great change in the relationship between the public and the private owner. The change is indicated by Mr. Williams in the following extract from Part V, dealing with city planning finance:

> In comparatively recent times the city dweller obtained daylight, air and outdoor recreation from his own land or that of his neighbors; now he demands boulevards, parks, playgrounds and recreation fields supplied by the city. Formerly, to go to his business, he was satisfied with the leisurely horse car line built and managed at comparatively small expense by private enterprise; he obtained water from his own well or a private company, and at night burned a kerosene lamp; now he demands a subway express, electricity, public water in superabundance, and the countless necessities and luxuries that have come to be considered public utilities; and if private enterprise does not supply these needs at a minimum price he clamors for, and obtains use of public money for the purpose.

To the above may be added the public expenditures in sewage disposal, on fire protection, on street making and maintenance and on education. These things and those enumerated in the above extract all add to the value of private property. It is true not only that "these changed conditions have greatly increased the amount of money that the modern city must raise from its citizens," but also that it gives to private land a value it did not formerly possess. Some of that value can be recovered to the city by special assessment, but the greater part of it is merged in private values. When, therefore, the modern city seeks an easement for the purpose of making a public improvement, or imposes a restriction to prevent undesirable use of land or endeavors to control its development in the public interest, some regard should be paid to the benefits it confers on private property as a set-off against any loss to the owners.

An illuminating extract is given in the footnotes on pages 36 and 37, which sets forth the fact that under modern conditions of town development the public have rights of ownership in building values by virtue of its expenditures in improvements even where such land is legally vested in the individual. When a person subdivides his land for building purposes he indirectly imposes upon the state and its agent, the city or town, the duty to provide fire protection, police protection, school facilities, sewage disposal, water supply, and to a varying degree street construction and maintenance. It is the provision of these things that add most to its value, and indeed without these things it is or should be of little value. They can only be provided at considerable cost to the public.

The owner of land may of course pay a substantial part of the cost of these benefits, both in special assessment and general taxation. He is also entitled as a citizen to the protection of his rights of property. But the city or town that has been a partner with him in adding to the value of his land should not be looked upon as a wrongdoer, as is too frequently the case, when it seeks to carry out improvements for the general welfare, and asks him, as a beneficiary of the public expenditures, to submit to restrictions on the method of developing or using his land.

In those cases where property is both benefited and injured the public should have some claim for betterment as a set-off against the claims for damages. On this point Mr. Williams quotes Nichols (*Eminent Domain*), who states that while it is justice to pay compensation where damage is done to property the same sense of justice requires that benefits should be considered.

Mr. Williams points out the need of reform of the procedure in eminent domain. Few reforms compared to this, he says, would "more aid the cause of city planning and city government generally."

A chapter on "Planning for the Promotion of Beauty" is one of the most interesting in the book. It contains much that will be disappointing to persons of taste and to those who love order, and much also that will give them hope for the future. In respect of this matter, as of every other matter with which the book deals, one must agree that the law on city planning has been broadened and improved in the same degree as public opinion has developed in favor of city planning. Where the public leads it is evident the lawyer and the law will follow. Therefore the supreme task and the moral of this excellent treatise is that we must continue to educate the public to appreciate the need of city planning and of obtaining powers to give it effect.

THOMAS ADAMS.

The Direct Primary

THE DIRECT PRIMARY. The Annals of the American Academy of Political and Social Science, Vol. CVI, No. 195, March, 1923 (J. T. Salter, ed.)

This noteworthy symposium gives in convenient form an up-to-date summary of the facts and opinions concerning the direct primary. The arguments for the direct primary are systematically arranged by Professor C. E. Merriam, Dr. H. W. Dodds, and Senator Norris,

while those against are brought out by Dr. K. F. Geiser and Professor A. B. Hall. Professor Merriam emphasizes the utility of the direct primary in one-party states and counties, Senator Norris stresses the opportunity which the direct primary offers to the "intelligent citizen," and both Merriam and Dodds argue that the short ballot would improve the effectiveness of the primary. Professors Geiser and Hall base their case against the direct primary on the ground that it destroys party responsibility. Dr. Geiser does not clearly indicate what he means by "responsibility." Professor Hall gives a more satisfactory discussion of this point and he pleads for objective treatment of the whole problem, but he fails to give corroborative evidence for his conclusions concerning the delegate convention as an agency for compromise. The summary of the opinions of public men on the value of the direct primary, prepared by Mr. W. E. Hannan, while fragmentary, shows the existence of wide differences. In general, party managers favor the old convention system, governors favor the direct primary, while political scientists and editors are divided. Especially useful is Dr. C. Kettleborough's summary and digest of the primary election laws. A few discrepancies, however, should be noted. The digest does not indicate the repeal of the direct primary for state officers in New York and the summary fails to call attention to the pre-primary convention in South Dakota and the "open" primary in Wisconsin.

Some special features of the direct primary are discussed in the second part of this symposium. Professor P. O. Ray discusses the failure of the presidential preference primaries and he advocates a post-convention primary. Dr. R. S. Boots describes how inadequately the state parties have functioned in the formulation of policies and he recommends the proposal of candidates and issues by a preliminary meeting of the responsible party leaders. Dr. R. E. Cushman thinks that the non-partisan ballot has had wholesome results in local elections but that the same cannot be said for it in judicial and state elections. Mr. S. T. Wallace points out that the pre-primary convention has not destroyed the value of the direct primary. Mr. C. S. Hoag argues that the Hare system of proportional representation does away with the need for the direct primary. On the other hand, Dr. B. H. Williams argues that preferential voting has failed and the hope of preventing minority nominations under the direct primary lies in the development of two fairly evenly balanced political groups. The articles by Boots and Wallace are based on questionnaire evidence, while the other articles in this section are largely the product of personal observation and reflection.

Some objective descriptions of the operation of the direct primary in particular states are given in the third part of this number of *The Annals*. Dr. V. J. West shows how the independence of the voters in California has affected the operation of the direct primary in that state. Dr. O. C. Hormell presents some detailed figures which show that in Maine the direct primary does not discriminate against the rural districts in favor of the urban. Miss L. Overacker's statistical analysis of the actual number of votes cast under the old convention system and under the statewide direct primary in New York leads her to conclude that the direct primary in that state meant "a slight increase in popular interest and a slightly greater degree of responsiveness on the part of the leaders to popular demands." Professor F. E. Horack shows by the use of a table that in Iowa the number of candidates under the direct primary has not been excessive. Dr. C. A. Berdahl describes in a sympathetic manner the operation of the interesting Richards law in South Dakota and Mr. F. H. Guild gives figures to show that in 75 per cent of the counties of Indiana the real contest for the county offices takes place in the direct primary and not in the election.

Mr. J. T. Salter, the editor of this number of *The Annals*, is to be congratulated upon the variety and weight of the material which he has collected.

HAROLD F. GOSNELL.

A Policeman's Duties

THE POLICEMAN. By Cornelius F. Cahalane. New York: E. P. Dutton & Co., 1923. Pp. 354.

Inspector Cahalane's new book is designed to take a place in the field of police literature which until recently has been quite unoccupied. In fact, it was only a few months ago that Colonel Chandler's *The Policeman's Art*, written with the state police particularly in mind, made its appearance. Now comes Inspector Cahalane, author of *Police Practice and Procedure* (intended primarily for the information and instruction of

the New York city force), and extends its application to municipal policemen throughout the United States and Canada.

This discussion of the daily duties and practical devices of the police serves to emphasize the wide difference in the present condition of the "science" of police administration and that of the policeman's art. We have enjoyed a fair degree of continuity in the service of our patrolmen, but our police administrators arrive and depart with startling rapidity. They are here to-day and gone to-morrow. The development of police administration as a profession has thereby been greatly retarded.

But in the matter of police practice and procedure, in which the policeman has had an opportunity to apply the results of long years of experience, there has been evolved a body of opinion relating to crime repression and criminal investigation which receives general acceptance. It is for this large group of readers that Inspector Cahalane writes.

The book is a compact compendium of advice not alone for the "rookie," but for the veteran as well. Questions of procedure are answered with a degree of detail which readily satisfies and disposes of all doubts. There are no glittering generalities. The careful description of established criminal practices, of the devices employed to avoid suspicion and escape detection should prove invaluable to the young policeman and perhaps save him from the embarrassments attending early failures. Furthermore, there are still cities where the police, quite regardless of their years of experience, may still profit extensively from a study of the principles there laid down.

This book will be especially helpful in police schools as a practical guide. In fact, it is quite clear that this was the author's primary purpose in writing, for the universal rules of conduct with which he treats, already occupy a large place in their curricula.

It would be unfortunate, however, if this book were to reach only the professional policemen and those undergoing training. It is especially recommended to those persistent critics of the police who fail to recognize and appreciate the solid worth of much of the service which they render. If police administration had but kept pace with the policeman's art, the problems with which we now contend would be less baffling.

Bruce Smith.

NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

Split Session Defeated in Indiana.—A constitutional amendment providing for a split session of the legislature passed the Indiana senate last winter by a vote of 26 to 19, but failed in the house although it was advanced to the engrossment stage.

✻

P. R. Constitutional Amendment in California.—A resolution proposing an amendment to the California constitution legalizing proportional representation for municipalities throughout the state passed the senate at the last meeting of the legislature by an overwhelming vote of 23 to 8, but was later lost in a shuffle in the assembly. Here the amendment breathed its last in committee.

✻

Mayor Dever Orders Expert Survey of City Departments.—Chicago's new mayor has opened his administration by ordering a survey of every department and bureau in the city government. It will be physical as well as financial and will determine how the municipality stands and where services can be improved, where cuts can be made and where extensions are necessary. The firm of Griffenhagen and Associates has been engaged for the big task.

✻

The Status of Home Rule in Pennsylvania.—Our readers will recall that under a recent constitutional amendment the legislature of Pennsylvania is authorized to grant to cities the power of framing their own charter. Although the legislature at this writing has not adjourned, it is generally accepted that the Craig home rule bill, designed to give effect to the constitutional amendment, will be decisively defeated. Our information is that the Philadelphia and Pittsburgh delegates are openly hostile to it, and that the officials of many smaller cities, who were originally favorable to the bill, have turned against it. They thought that home rule involved only giving them additional powers, but when it developed that it might also eliminate some jobs through a new charter they quickly reversed their attitude.

The consolidated administrative code reported in the June REVIEW has passed the senate and it is expected to pass the house without difficulty.

✻

West Virginia Passes New Bond Law.—West Virginia is the last state to join the list of those who have rewritten their municipal bond laws, and in so doing has enhanced the standing of all her local bonds. In common with states having other progressive measures of the kind, West Virginia counties and cities are prohibited from issuing bonds for current expenses. The maximum maturity permitted is 34 years, and all bonds must mature serially within this maximum term. The so-called "serial annuity" bond is permitted.

With respect to sale, the act provides that the bonds must be first offered to the several state funds. If not purchased by them they shall then be advertised for sale on sealed bids. In the event that bonds are not disposed of after such advertising they may be sold at private sale, but no private sale may be made at a price less than the highest bid received at the advertised sale. No bonds may be sold for less than par.

The debt limit is set by the act at 2½ per cent of the assessed valuation with an additional 2½ per cent for county or magisterial district road purposes or for grading, paving and other street improvements in case of municipal corporations. A three-fifths vote of the qualified electors is required to contract any debt. No one will deny that this is not sufficiently high.

✻

More About the Long Beach Recall.—We present herewith the other side of the recent recall election by which City Manager Hewes of Long Beach was recalled by vote of the people.

Editor, National Municipal Review,
New York, N. Y.

Sir: Referring to article of "E. A. C." in April number, "Recall of the Manager in Long Beach, Calif.," lack of space prevents full reply. The

writer and the late General A. P. Hanson, president of the City Managerial Club, were the "group" who called on Mr. Hewes, not to request the removal of the chief of police, but to suggest that the then temporary chief, having been mixed up in local police squabbles for years, would be an unwise choice for chief, and suggested Sergeant Yancy for the position. Later developments proved our advice to have been sound.

It was the City Managerial Club who initiated, engineered and fought the battle for the managerial charter, that initiated, engineered and fought the battle for the recall of Mr. Hewes, in which the greatest factor was his freak zoning ordinance. The equalization of assessments was anything but equal. He was out of harmony with the entire administration, which was one of our basic charges. In constant warfare with our very popular lady city auditor, an elected official, he went so far as to oust her force of feminine assistants from their office by armed police. He openly flouted the charter, framed by fifteen freeholders, whose president is a prominent attorney, and drafted by R. H. Jackson, for years clerk of the house of the California legislature, and an expert on bills. The board had the advice and assistance of Paul B. Wilcox, the sixteenth elected freeholder, who was in constant attendance at their sessions, and who soon afterwards became associate editor of the REVIEW and assistant city manager of East Cleveland. Mr. Hewes, himself, in a letter to the writer long before he became manager, after making objection to the recall provision says: "On the whole, it is a good document," referring to our charter.

Mr. Hewes' defeat was decisive. He carried only ten out of thirty-five precincts. Had a full vote been cast, according to all pre-election indications, the majority for the recall would have been correspondingly increased. At the recent charter amendment election no amendment to remove the provision for recall of the manager was submitted to the people.

Had the recall of Mr. Hewes failed, the managerial form in Long Beach would have been doomed.

B. C. BUB.

*

Administrative Reorganization in Vermont.—Mainly through the efforts of Mr. Benjamin Gates, the state auditor, a movement for the reorganization of the state administration was started in Vermont about four years ago. When Governor Redfield Proctor was inaugurated in January of this year, he sent a message to the legislature recommending administrative reorganization and setting forth at some length the details of a proposed scheme. In defense of the idea in general, the governor said: "There has been a tendency throughout the country to handle difficult problems by creating boards or commissions exercising independent authority. They are not directly responsible to the voters or under the control of either the legislature or the governor and tend to confuse and obstruct the frame of government originally established, which was simple, clear and sound. The nearer we keep to that, the better."

Acting to a large extent upon the governor's recommendations the legislature enacted early in the session a reorganization plan (ch. 7, amended by ch. 8, Laws of 1923.) The plan became effective on May 1. It provides for seven administrative departments, as follows: finance, public welfare, public health, highways, agriculture, education, and public service. More than twenty offices, boards, commissions, and agencies were abolished and their functions consolidated in the seven departments. These departments are single-headed except the departments of highways, public health, education, and public service, which are under the supervision of small boards. The departmental heads are appointed by the governor with the consent of the senate, and the terms of office are the same as that of the governor except in the case of the board members.

Taxation, accounting, purchasing, budget-making, and banking and insurance are under the department of finance. An executive budget takes the place of the budget prepared by the old board of control, which is abolished. Hereafter the legislature at each regular session will make definite appropriations for all expenditures of the state government. All continuing appropriations are abolished, and all revenues dedicated to certain purposes must be appropriated biennially in definite amounts. All revenues from every source are to be turned into the state treasury as soon as collected.

The departments of public welfare, public health, highways, agriculture, and education have much the same functions as similar departments in other reorganized state governments. The department of public service, however, has under it public utility regulation, weights and measures, regulation of labor disputes, and general regulation of industries in the state.

While the Vermont plan of reorganization is not as thoroughgoing and as clear-cut as it might be, yet it may work out in actual practice much better than is indicated by the provisions of the law. Whatever may be its defects, certainly it is a step in advance for the state.

A. E. BUCK.

A Spoils Veto by Governor Small.—More than three thousand jobs are turned over to spoilsmen by Governor Small's veto of the Chicago parks civil service bill after it had passed both houses of the Illinois legislature by a big vote. The positions affected are in the three Chicago parks —Lincoln, West and South—the first two of which are under direct control of the governor. The bill in question, House Bill 281, took the form of a validating act to give protection to employes who had been under civil service since 1911. The effect of this veto on the pension law for the benefit of the employes in these parks is not yet clear. However, pension laws are unknown for the protection of spoils employes. Some sort of fixed or permanent tenure has always been considered a necessary foundation for them.

"A frantic effort to salvage all that is possible of the Lundin-Thompson-Small machine—crushed in Chicago—through Governor Small in the state," is the usual comment of friends of the merit system. The park law went before the supreme court in a case wherein seven employes were fined for coercing civil service employes to purchase tickets to a Thompson political rally at Riverview Park in Chicago. At the time the machine of which Fred Lundin was the recognized brains was at the heighth of its glory and assessments in one form or another were a common thing. The case in question was the result of a grand jury investigation requested by the Civil Service Reform Association of Chicago. In giving his decision the trial judge stated that fines were imposed, instead of jail sentences, simply because it was the first prosecution under the act in question. Six of the cases affected employes of the city of Chicago under the city civil service law. Their sentence was sustained and the law upheld. One employe was from Lincoln Park, and that law was deemed invalid by the supreme court on the ground that certain conference amendments had not been printed before the act was passed by the legislature. Before the decision of the court became final a rehearing was applied for and the case was nolle prossed, leaving the park law on the books.

The Civil Service Reform Association of Chicago immediately introduced a bill in the legislature to correct the technical defects in the law. Large numbers of park employes rallied to the support of the bill, and Municipal Judge Howard Hayes was one of their champions and fought for the passage of the bill at Springfield. The situation is, then, that the park law is still in existence but has been held invalid by the supreme court, so that the spoilsmen are assured if they violate it, carrying the case to the supreme court will save them. The only thing now seems could save the act is overriding the governor's veto. This may be attempted.

R. E. Blackwood.

II. CITY MANAGER NEWS

Edited by John G. Stutz

Executive Secretary, The City Managers' Association, Lawrence, Kansas

The citizens of Pasadena, California, voted favorably on three bond projects and four charter amendments this spring. The bond projects were $100,000 for the construction of a new bridge; $50,000 for water works improvements; and $30,000 for the construction of a branch library building. The charter amendments were to enable the city to co-operate with neighboring cities in the solution of mutual problems, such as water supply; to accept as a part of the city charter a recent amendment to the state constitution affecting the exercise of municipal powers; to authorize the city to bid on street work, the construction of public works, etc., and if it is the lowest bidder, to undertake the work on the same basis as a private contractor; to increase the amount of money that can be spent for equipment and materials without advertising for bids. Heretofore the amount was $500. It is now $2,500. The manager is now authorized to bind the city in amounts not exceeding $2,500, and with the chairman of the board of directors in amounts not exceeding $5,000 without advertising.

The civic center portion of the city plan has recently been published, and will be put into effect as rapidly as is consistent with the development of the city. A bond issue of three and one-half million dollars will be placed before the citizens soon for the purchase of the land and the cost of the construction of the three buildings in the civic center.

Fire insurance rates on Norfolk's (Virginia) water front will be materially reduced as a result of the installation of the city's new fire boat, thus saving an amount of between $80,000 and $100,000 per year in insurance premiums. The vessel throws 32 powerful streams of water and has an auxiliary system of 8,000 feet of hose carried by a motor truck on shore.

Amendments to the Ardmore, Oklahoma, city charter, permitting all commissioners and the mayor to draw a salary of fifty dollars each per month, were granted by Governor Walton. City Manager Kirk Dyer states that the salary paid will be worth many times the actual amount to the city.

Appropriate badges have been ordered by City Manager Benson of Bakersfield, California, for the city commissioners who have been deputized as police with powers in parks, theaters, and other places of amusement.

Mr. George L. Rinkliff, Manager of Hampton, Virginia, has resigned. He will, on July 1, take up his duties as manager of Brunswick, Georgia, at an increase in salary. Mr. Rinkliff has made a splendid success of city administration at Hampton during the past two years and a half.

The annual report of W. E. Baumgartner, general manager of Alpena, Michigan, shows a very healthy condition in the finances of the city. Accomplishments of the past year include the installation of 1,800 water meters, purchase of new fire equipment, paving of a number of streets, the construction of 25,000 feet of sidewalk and a number of blocks of sewers. The total estimated expenditures for the year 1923–24 is $170,000.

Mr. Fred H. Locke was appointed manager of Grand Rapids, Michigan, for the sixth consecutive time, at an increase of one thousand dollars per year in salary.

An address on the city manager movement by F. C. Moys of Boulder, Colorado, was a feature of the meeting of the Colorado Municipal Conference at Boulder on April 26. Addresses were also given by J. E. McDaniel, city manager of Montrose; George Garrett, city manager of Grand Junction; W. H. Wigglesworth, city manager of Durango; A. M. Wilson, city manager of Colorado Springs, and Scott Mitchell, city manager of Boulder. It is hoped that a permanent municipal organization will be developed from the discussions held in this meeting.

Within the past fifty days the city of Albuquerque, New Mexico, has completed a new reservoir, sewage disposal plant, two wading pools, forty blocks of paving, seeding, planting of trees and shrubbery, and installing a sprinkling system in a new park, and started flush coating 30,000 yards of paving. Contract has just been let for the building of a $25,000 storm sewer main. Bids are to be opened soon for the paving of fifty-five additional blocks of streets.

A monthly financial report recently rendered by A. M. Wilson, city manager of Colorado Springs, Colorado, shows a balance of nearly $500,000 in the city treasury on April 1. Contracts have been let for the construction of a large storm sewer and the paving of a number of blocks of city streets.

At a special election held Tuesday, May 8, the voters of Burkburnett, Texas, approved the adoption of a special charter providing for a modified managerial form of government by a vote of 3 to 1.

We are advised that "owing to a new administration taking the reins of city government" it has been decided to abandon the city manager plan in Pipestone, Minnesota, for the present. Pipestone was operating under the plan by ordinance.

The city manager plan of municipal government was adopted in the recent special election held at Navasota, Texas.

The manager plan was defeated 2 to 1 in an election held for its adoption in Mineral Wells, Texas, recently.

The following city managers have been appointed to positions during the past month: Mr. M. F. McFarland, city manager, Norman, Oklahoma; Mr. D. L. Youmans, city manager,

Muskogee, Oklahoma; Mr. Ira R. Morrison, city manager, Chico, California; Mr. F. E. Lawrence, city manager, Sapulpa, Oklahoma; Mr. V. Avery Thompson, city manager, Phoenix, Arizona; and Mr. Ray C. Cole, town manager, Randolph, Vermont.

The following cities are contemplating the adoption of the city manager plan of government: La Junta, Colorado; Trinidad, Colorado; Louisburg, North Carolina; Pawnee City, Nebraska; El Paso, Texas; Los Angeles, California; and London, Ontario.

III. MISCELLANEOUS

The Sixteenth Annual Tax Conference will be held at the Greenbrier, White Sulphur Springs, West Virginia, September 24–28, 1923. It is hoped that readers of the REVIEW will arrange to attend and participate in the discussions.

International Cities and Town Planning Exhibition Being Held in Gothenburg, Sweden.—This year Gothenburg is celebrating the three hundredth anniversary of its foundation and to commemorate such an important event is holding a great jubilee exhibition. It opened May 8 and will close September 30. The exhibition is rich in material illustrative of the history and progress of the city. It is so grouped as to give the visitor a complete survey of the outward growth of the city and its inward development through the centuries. The main sections of the exhibition are the historical exhibit, the municipal exhibit, the Scandinavian art exhibit, exhibits of work of Swedes in other lands and a Swedish export display.

State Consultant on Housing and Planning.—Massachusetts has taken a forward step in town planning. One of the three states in the Union with a state department which has power to advise and assist local planning boards, it has been handicapped by the fact that it had no field worker. Authority has now been granted by the legislature to the department of public welfare to appoint a visitor to planning boards. To this position as a state consultant on housing and town planning the department has appointed Mr. Edward T. Hartman, who is a well-known authority in this field. Mr. Hartman has begun his duties which will include helping the local planning boards in their problems, encouraging the formation of new boards, and general educational and publicity work. An opportunity has been given Mr. Hartman to broadcast three talks on town planning from the Medford Hillside Radio Station as a beginning of the campaign.

The Dayton Research Association.—In March of this year, the Dayton Research Association was incorporated for the purpose of "promoting the welfare of the city of Dayton by collecting, compiling, and interpreting statistics for its social, charitable and governmental agencies." This organization is the successor of the Dayton Bureau of Municipal Research, which was organized in 1912 and which suspended its operations in January, 1918. It is the intent of the board of trustees, of which Dr. D. F. Garland, the welfare director of the National Cash Register Company and the president of the former Bureau of Municipal Research, is the head, to make this a fact-finding organization and to stress social research to a greater extent than is usually done by municipal research bureaus.

The Dayton Research Association will secure its support from the Dayton Foundation, a fund established by the late John H. Patterson, Mrs. H. G. Carnell and Robert Patterson.

Address 409 Lowe Building, Dayton, Ohio, Arch Mandel, Director.

INTRODUCTORY NOTE

BY FREDERICK A. CLEVELAND

PRESENT SITUATION IN NORWOOD—GOVERNMENT NOT CLOSE TO PEOPLE

THE outline draft of decentralized-commission - manager - town - charter which follows has been prepared under the leadership of the chairman of a sub-committee, for consideration by the "Citizens' Committee of One Hundred" of the town of Norwood, Massachusetts. The purpose of the draft is to suggest a way of conserving all the very definite and considerable advantages which have accrued during nine years of experience under the existing charter of the town—at the same time to overcome some of the obvious defects.

THE EXISTING TOWN ORGANIZATION—THE INCORPORATED BODY-POLITIC

The town political organization, as it is to-day, is of two kinds: That which has developed under and pursuant to its corporate charter—the legal structure; and that which has developed outside — the unincorporated, voluntary, unwritten political arrangement.

Under forms of law and by numerous acts the existing town government is one in which the "administration" is conducted by five public service departments; viz.: Selectmen (engineering and safety); school; library; health; and relief.[1] Each of these departments of service is administered by an expert—its own separate manager—who is under the general direction of a separate board. The members of the first four of these boards are elected by the people with overlapping tenures of three years; the last one, the board of relief, is appointed each year by the board of selectmen. In addition to these there are four general officers: A moderator; a town attorney; a town clerk and accountant; and a town treasurer. The moderator and the treasurer are elected each year. The town attorney and the town clerk are appointed by the board of selectmen. A quasi-judicial board of assessors is appointed by the board of selectmen. There are two advisory commissions (town planning and finance), one-third of the members of which are elected annually. Twenty-five persons, officers and members of boards and commissions, are thus elected by the voters of the town,[2] nine are appointed by the board of selectmen;[3] and the whole organization is made accountable to the old type of town meeting which

[1] (What is called the charter is a special act of the legislature, Chapter 197 of the Laws of 1914 [March 18].)

[2] In a very real sense the town planning commission (or Mr. George F. Willett, its chairman), may be considered as the progenitor of the present form of official as well as the unofficial organization. On his motion in town meeting, a town planning committee was appointed by the moderator in 1912; in 1913 a special act of the legislature gave this body legal powers (Chapter 494, Laws of 1913). This was before the general law providing for town planning commissions in cities and towns of the state. The special law was amended in 1914 (Chapter 283, Laws of 1914); a general permissive act was passed in 1917; and the present general law making the election of such a commission or board compulsory in towns of 5,000 or more and permissive in smaller towns was passed (Chapter 41, Section 70, Laws of 1920). The present form of Norwood charter organization, and the present Citizens' Committee of One Hundred, may be said to be directly traceable to this leadership.

passes the budget and fixes the tax rate. The first four of the five service departments, each with its separate board and its own executive, are like separate corporations with a common membership which meets from time to time to consider questions of policy—at which times the town meeting has the benefit of independent advice and recommendation by its finance commission and town planning commission. The fifth, the board of relief, has its supervisor. In the use of this type of decentralized town organization, Norwood is now in its tenth year, so that it has a very practical basis for judgment as to the benefits as well as defects.

AN UNINCORPORATED BODY—THE "COMMITTEE OF ONE HUNDRED"

When considering the workings of government, the mechanisms and devices actually in use which exist outside the law must also be taken into account. The unofficial body, which brought the charter into being, has remained and has continued to function—a substitute for party organization. The movement which culminated in the legislative charter grant and in its subsequent adoption by the people, was headed by a man who had led in town planning and other civic interests of major importance. When the town organization was effected this same man refused to take a position in any of the five departmental controlling boards, preferring to continue his activities in town planning and the development of a civic center. He also remained a member of the Citizens' Committee of One Hundred. The continuing function of this self-appointed committee was to enlist and mobilize the outstanding leaderships of the town—to see that the new government was efficiently manned and carried on according to the original design. After the initial organization had been perfected, the Committee of One Hundred took upon itself each year the function of a nominating caucus; in this capacity it has continued to operate to the present time.

WHEREIN THE EXISTING CHARTER HAS PROVED A SUCCESS—NO ADMINISTRATIVE CHANGES PROPOSED

In all of his writings on administrative organization and reorganization, the present writer has urged the centralization of executive responsibility as preferable to decentralization. Therefore, he has advocated the centralized - commission - manager type of town government (and the responsible executive cabinet in state and federal government) as opposed to the decentralized "government-by-commissions" or the "Wisconsin-Idea." This preference, however, has not been

[3] The twenty-five functionaries mentioned above at present chosen by the voters of the town at the "election"—as distinguished from the "town meeting" are: moderator, treasurer, five selectmen, three finance commissioners, six members of school board, six members of library board, three members of the board of health. The nine appointed or chosen by the selectmen are: town clerk, town attorney, three assessors, three members of board of relief, and town manager (head of the department of safety and engineering). Thus the "selectmen" whose chief duties are to control the policies of that department in which the "town manager" is executive (the department of safety and engineering), also exercise some of the remaining functions of the old board of selectmen, who were in fact the "executive committee" of the old town meeting. The other boards, including the board of relief, appoint their own executives, and the service personnel under them, for an indefinite tenure in which the "merit system" prevails. Our policy-determination, therefore, is by independent commissions—with unpaid members; our administration under "experts"; our service organized on a "merit" basis.

arbitrarily held—since he has taken the position that in favoring conditions either type of executive machine (the centralized or the decentralized) might be made to work effectively. But a further observation is to be made. *No matter how favoring the conditions, or how efficient the administration, neither the centralized nor the decentralized type could long satisfy the demands of a democratic people unless adequate provision were made for open-forum-deliberation-and-publicity in the representative branch.*

Administratively, the decentralized type has worked well in Norwood. For nine years it has been more than usually successful in enlisting the services of capable citizens in both the general offices and as members of departmental boards. Because this part of the machinery of public service as such has worked so well and the people are accustomed to it, no changes in the number or powers of general offices are proposed; and except in the controlling boards, no change is proposed in the organization of the service departments.

WHEREIN THE EXISTING ORGANIZATION HAS PROVED DEFECTIVE—THE POLITICAL SIDE

By way of preface to a statement of weaknesses developed in operation under the existing charter, one general observation should be made. It is assumed for this purpose that democracy is not interested in efficiency as such; that it is interested in efficiency only as means to the end of getting done what the people want done; but first, and above all things else, democracy insists that the people shall be consulted about what the people want in matters of government. Democracy insists on its right of self-determination; it insists that the people through their duly empowered agents shall decide to what purpose government shall be employed. A common understanding—the good opinion of the people—must be conserved; then and not till then are democratic communities interested in *efficiency*. It is of first importance, therefore, that means be provided for coming to a common understanding on matters of policy—for obtaining the good opinion of the people.

To this end the old-time town meeting was retained in the existing charter; and, by common consent, provision was made outside the charter for continuing the Citizens' Committee of One Hundred as a device to take the place of parties. A fundamental error was committed in this. *First*, the old form of town meeting can not possibly serve the end for which it was intended in a community like Norwood—this has been demonstrated. *Second*, an irresponsible committee can not continue long to retain the confidence of the community as a nominating caucus and general political steering agency—this conclusion has also been demonstrated.

LOCAL CONDITIONS DEMAND CHANGE

The citizenship of Norwood is now made up of many industrial, religious and social groups which constitute neighborhood or normal units of association quite as separate and distinct as were the old-time New England towns, altogether the electorate is made up of about 4,000 voters. On election day, once a year, from one-third to two-thirds of the voters manage to "drop in at the Civic" and ballot for officers—largely in response to personal appeal and by use of "runners" and other devices for "getting out the vote." The town meeting, which by law must finally pass on questions of general policy and finance, latterly has been attended

by from twenty to fifty citizens (on some occasions as many as one hundred), in addition to officers and board members who are there to obtain support and authority. There has been increasing lack of interest in the town meeting, which has become as wooden as a marionette show—simply going through the motions of formal approval of practically everything proposed by the finance commission.

CONTROL IN THE HANDS OF A FEW—DISCONTENT GROWING

The real control over town affairs has come to center in a few personal understandings. There is no practicable way provided in the present plan for finding out what the people want. The community as an organized political membership body has no method of determining whether policies have popular support before decisions are reached and executed. In fact a public opinion on matters of town policy may be said not to exist. Normal associate groups in the town now serve only as "committees on rumor." Neighborly, like-minded groups are not utilized as units for the development of a unified community spirit through inter-group conference; there is no effective means of reconciling the interests of the existing bodies or constituencies with the interests of the town as a whole. The attitude toward the existing government, therefore, has been one of growing discontent—the common comment among dissentients being that "everything is cut and dried" and that "the average citizen has not a look-in anywhere."

DANGER IN THE PRESENT SITUATION

In this situation, it would seem to be only a question of time when this increasing discontent will result—as in many other places—in tearing down the system and setting up something else, in which still greater indifference may be shown for the underlying principles of democracy. The real danger has already been pointed out. Democracy insists first on the means of self-determination; and, by reason of this fact, an informed public opinion, together with a means of popular control which will conserve good-will, is the only sure foundation on which the institutions of to-day may be built. Without an effective means of insuring good-will, the more able the leadership, and the more efficient the executive organization, the more surely will the structure be pulled down. Everything in the end depends on good-will; even a benevolent paternalism depends on good-will.

Democracy rightly prefers mediocrity if the alternative is autocracy; and if no alternative is left except to choose between the efficient domination of one class which is numerically small, and inefficiency on the part of another class numerically large, the numerically large class must in the end prevail. This choice between evils, however, is a thing to be avoided. And in this situation, Mr. Willett again has taken leadership for a further development of the existing charter plan to overcome the obvious defects above described by moving in the Committee of One Hundred the appointment of a sub-committee on revision.

WHY THE OLD-TIME FORM OF TOWN MEETING MUST BE ABANDONED

First focusing attention on the most fundamental change proposed in the re-draft—the frank abandonment of the old-time town meeting and the substitution of the representative town meeting—let us reflect a moment on the reason for setting this time honored institution aside. Its primary functions were these: (1) Nominations and elec-

tions; (2) policy determination; (3) control over the purse. Already for obvious reasons, the electoral function (nominations and elections) had been taken out of the town meeting before the new charter was adopted nine years ago; the same obvious reasons make it needful to institute a representative body for the purposes of policy determination and control over the purse—deliberation, decision, dramatization of issues and popular appeal. Without an effective institutional means of policy formulation and discussion on the one hand and control over the purse on the other, a self-determining community cannot have confidence in the agencies through which it becomes conscious of common purposes and undertakes to realize them. In other words, the conditions now being unfavorable for the holding of town elections, making town decisions and enforcing them through popular assembly, this antiquated device is marked for discard.

THE OLD ORDER AND THE NEW

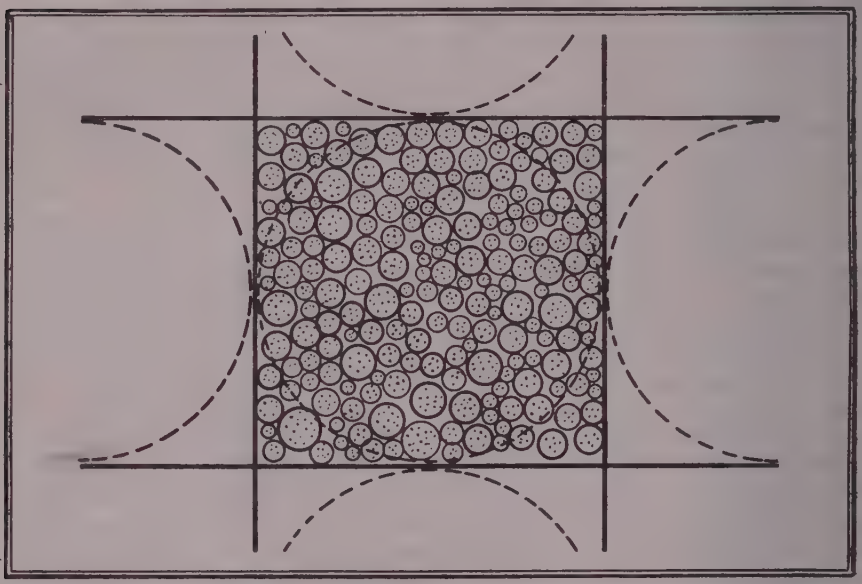
In considering the need for adaptation of our political institutions to present-day conditions of life, a first essential to sound reasoning is to realize that we are living in an essentially different world than that in which our forefathers lived. That environmental conditions have changed, we are constantly made aware. The extent of this change, since the days when the town meeting served so well our political purpose, can best be seen and understood when we picture Plymouth or Dedham, our primitive colonial prototype, as it was and then contrast this with the Norwood in which we now reside—a typical industrial town of our day. A difficult task to be sure! But the contrast may be made graphic if the society of the Pilgrims, to which we trace our institutional beginnings, is portrayed in cross-section—as a biologist would the microscopic structure of a life organism.

Such a cross-section for the Plymouth and Dedham of yesterday we have attempted in Chart I. On this chart, the small circles depict family groups, within which the individual members are shown as dots—some of the individuals within the family circles then being bound by blood-ties, others being bound by contracts of indenture as servants. Within these circles all the industrial life was organized. The enclosing large circle (broken line) is the Congregational church which at the time included most of the inhabitants; this was their broader cultural and philanthropic group. A still larger square, includes all the inhabitants; this represents that political organization effected by the Mayflower Agreement—the government with its town meeting. There were then, in the Plymouth colony, no separate economic or business groups; there were then no definitely organized, separate, fraternal, philanthropic and social groups; there was then no other church or broad cultural groups—in fact no other was permitted to exist. The normal leaders in the institutional life of the community were fathers—heads of families—who in turn determined the leaderships in church and town meeting. And then when other communities were established—at Duxbury, Situate, etc.—those who represented families in the town meeting, and in the church meeting, the fathers in each of these places, picked out those who would represent the community in inter-town and in inter-church assemblies.

THE OLD-TIME REPRESENTATIVE ASSEMBLY

The outstanding fact in this analysis of institutional relations is that the town meeting in these early days was

DIAGRAM SHOWING SIMPLICITY OF TOWN LIFE IN THE MIDDLE OF THE SEVENTEENTH CENTURY



LEGEND: The small circles with included dots, represent families—the kindred and economic groups; the large circle represents the church—the religious cultural group; the square represents the town—the politically organized group.

NOTE: It was in this type of kindred, industrial, social and cultural institutional complex that the town-meeting served as a means of harmonising the several groups which made up the structure of the community. The means employed was that of constituting each family a constituency, whose head was charged with the responsibility of representing it and its interests in the deliberative, determining council—the town-meeting. More strictly speaking, in order to insure capacity for judgment and moral qualifications, only heads of families who were members of the Congregational Church could be members of the governing body—and later the property qualification was added. The heavier lines above are to indicate the effect of this added limitation.

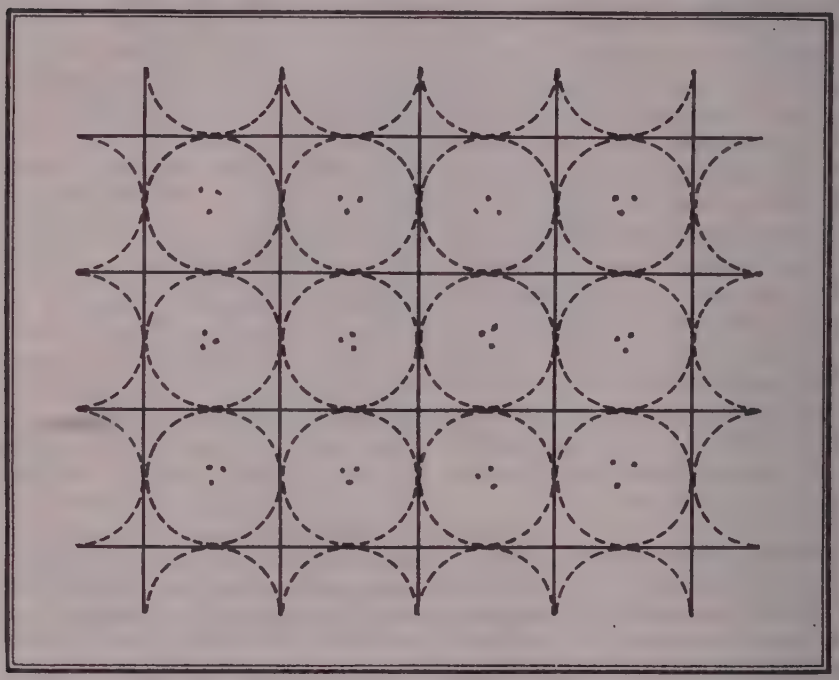
CHART I

an assembly of representatives of normal, constituent family groups, held together by blood ties and by contract. The inter-town and inter-church assemblies—made up of the representatives of local political and religious groups—were chosen by the underlying social and economic groups; and both the town and inter-town assemblies were made up of persons who stood in intimate relation to normal basic constituencies. The constitution of inter-town society as thus organized, the broadest and most complex institutional super-structure of that day is graphically shown in Chart II. And in character this same essential structure remained—continued in effect — until after that new organic impulse which is known to us as the Industrial Revolution came to express itself in new form of economic and social life—in institutions of ever increasing size and complexity.

OUR NORWOOD—THE MODERN INDUSTRIAL TOWN

A graphic protrayal of present day institutional complexity, of a modern industrial town is attempted in Chart III. This is a cross-section of Norwood to-day which may be compared with Chart I—the Norwood (Dedham) or Plymouth of yesterday. For this purpose the same symbols are used to represent the family—it being noted, however, that on this chart little of the field is overcast, only a few of the 3,000 or more families within the enclosed area being shown. Solid lines are also used to represent various economic associations, because out of the family circle these have come—both the employer and employee organizations; these lines represent institutions which are our new ways of getting a living. Some of these as they exist in our modern towns are only segments of world-institutions doing business in the town (such as Winslow Brothers & Smith, The American Brake Shoe, and the Morrill Ink Works); other economic institutions are more local in organization but still depending quite as much on outside business connections for disposition of output (such as the Plimpton Press, the Norwood Press, Bird & Sons, the Plimpton Foundry, the Holliston Mills); and still other business concerns, much smaller than those mentioned, depend almost entirely on the outside world market. Through one or another of these broadly organized business groups the people of Norwood now gain their livelihood. Many of the nationally organized "unions"—associations of employees—are present, each with just as definite structural lines of group association as may be found in organization for capitalization and management. As has been said, all of these institutions have been separated out of the economic home life. Beside these economic groups there are literally myriads of religious, social, educational, recreational and philanthropic institutions and associations (a dozen or more churches; Civic Association, Girl Scouts and Boy Scouts; Red Cross and Y. M. C. A. Elks, Masons, Odd Fellows, Knights of Columbus; national societies such as Caledonians and Lithuanians; patriotic societies such as the G. A. R., D. A. R., S. A. R., W. R. C., V. F. W., A. L., etc., etc.) within which are developed normal, friendly, confidential relations. The old structure, as shown by Charts I and II, was as simple as a geometric lace pattern; compared with a cross section of our modern society—which, if all the existing associate relations were shown, our modern industrial society diagramed and charted as above—would look like a piece of mixed-felt.

DIAGRAM SHOWING THE SIMPLICITY OF THE PROBLEM OF MAKING THE REPRESENTATIVE ASSEMBLY A FITTING INSTRUMENT FOR RECONCILING INTER AND INTRA GROUP LOYALTIES OF THE COLONY



NOTE: So long as the members of the town-meetings were the duly constituted attorneys or representatives of kindred groups, which also constituted the economic and philanthropic units of the commonwealth—other than those taken over by the parish and the town—and these were also reconciled by the qualifications prescribe both for electors and elected, it was a simple matter to agree on attorneys to represent the interests of local communities in the general court or colonial assembly, in a manner which was consistent with continuing confidence and good-will. If we project in imagination the family groups which constitute or are included in the towns the above may be taken to illustrate the whole institutional structure before the industrial revolution put it stamp on our modern democratic society.

CHART II

THE PURPOSE OF POLITICAL ORGANIZATION

Assuming that the reason why all these institutional relations exist today is that they have been found serviceable, recognizing that they have been the result of a broader conception of liberty, of equality, of Christianity, of democracy, logical approach to our problem requires that we distinguish in this complex the purposes or service ideal of political organization. In considering the relative value of these institutional ties we are dealing with the most compelling problem of democracy. The most fundamental, far-reaching question before us in municipal (as well as state and national) organization is: How may we provide the means of reconciling our service group loyalties? Is not this the purpose of political organization? If it is, then obviously, where popular assembly is impracticable, this can be done only by conference of representatives of normal, friendly, neighborly groups, which have the confidence of their respective constituencies. The primary problem of political organization in a modern industrial democracy such as ours then resolves itself into the adoption of an electoral-representative system based on constituencies which know and trust each other and who know and trust those which sit in conference to reconcile their group loyalties to the larger interests and purposes of the community as a whole.

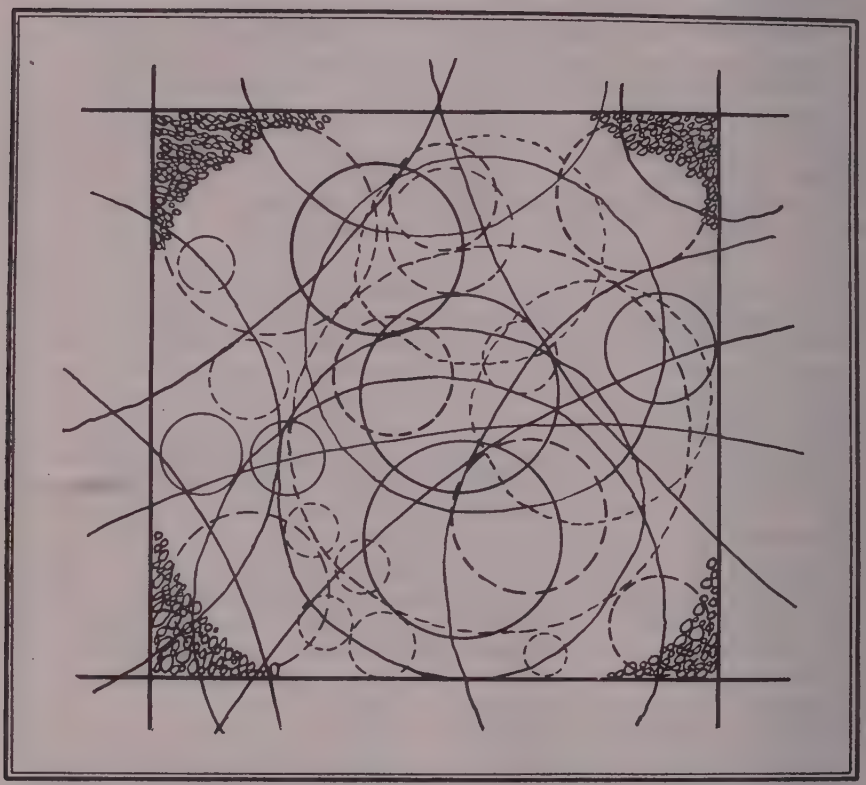
LIKE-MINDEDNESS THE BASIS FOR REPRESENTATION

Concretely stated, our problem is to find out how we can establish relations of confidence—good-will—between real, normal, like-minded constituencies, and those to whom they look as their attorneys to represent them in reconciling group differences. The old solution in Dedham and Plymouth was to erect families as constituencies for the purpose of representation in the town meeting—their common council. And our modern democracies have finally come forward with an answer to their problem—a solution by which representation may be based on like mindedness, by which the representative now as of old may be one who is entrusted by a constituency held together by ties which bind. It is this solution which is proposed here—the system commonly known as "proportional representation," by which the group relations of an underlying complex of like-minded constituencies may be reconciled in friendly conference of representatives so organized and ordered in their procedure of deliberation and decision that conclusions when reached may have the support of the whole politically organized community. By the adoption of this principle may we not have the same confidence and good-will in our institutional arrangements as existed in the old-time town meeting and colonial assembly?

HOW TO MAKE "ELECTORAL-REPRESENTATIVE-SYSTEM" EFFECTIVE

Nearly all the political machinery evolved during the last seven centuries has been the product of efforts to make an "electoral-representative-system" effective for doing the work which normally goes on with little or no machinery in a forum in which all the parties in interest can be presented, as for example in a court or a popular assembly. When the folk-mote could no longer function in England, constitutional government began; when the town meeting could no longer be effective, due to the size and complexity of New England community organization there was a beginning

DIAGRAM SHOWING THE COMPLEX INSTITUTIONAL LIFE OF A MODERN INDUSTRIAL TOWN IN NEW ENGLAND



LEGEND: The small circles, indicating family groups have been drawn in only the corners of the graph; solid lines indicate economic groups; broken lines indicate churches; the dotted lines indicate fraternal, philanthropic associations.

NOTE: In the older type of institutional structure (Chart I), it is to be noted that all the groups (family, church and political) are exclusive; these still remain such. But there are myriads of new organizations whose lines of cleavage intersect family, church and political boundaries. Each of these have developed new loyalties; organization now overlaps organization; town, county, state, nation, the world, has been felted and drawn together by interests which gives to us a new problem of constituency and representation. And each member of the family may find himself bound by an entirely different set of interests.

CHART III

of a new era in our political life—first of neglect of the principles and ideals of democracy and of degradation of our public service to serve the ends of exploiters, then of invention of the means designed to re-establish the principles of democracy in institutions adapted to the new social economic and political order.

During the last hundred years much experience has been gained through experimentation. Scores of institutional adaptations have been proposed and many have been tried out after expensive and persistent campaigns of education. Each of the reform measures which have received popular support have had merits if properly applied and adapted. But many of them have failed because attention was centered on a part, and its relation to the whole was overlooked; either too broad claims were made for each particular device as it was being put on the market or the necessary and complementary adjustments were left out of account. In fact the common fault of public appeals of this kind has been that the proponents have failed to consider the limitations of new devices —the adoption of the particular part advocated being thought of as an end in itself. From these experiences we have come to know that an institution is not merely "an assembly proposition"—that it is a thing of many specialized organs, the welfare of the whole depending on each organ supplementing and co-operating with all the others. We have come to know that practical judgment must be a composite; that there must be like-mindedness; that group self-determination depends on mutual agreement with respect to the service ends to be achieved; that there must be agreement also with respect to the human agencies to be employed for achieving desired ends; that following these agreements, there must be direction and discipline so administered that specialized actuating groups may work for the achievement of predetermined ends, and that all together they may co-operate in thought and deed.

To restate our problem: The public services to be rendered in the present case are assumed to be those and those only which are now being carried on under the existing departmental boards of the town of Norwood; incidentally there are other services—those of supply and custodianship—which are now being performed by the existing officers of the town of Norwood; as has been said, the proposed modifications of the charter herein outlined have to do chiefly with the mechanism of control over these existing service agencies by which the people of Norwood as a self-determining political group operate. These are of three kinds: the electorate; the general officers, as custodians; and a central representative body with decentralized departmental controlling boards. These assisted by two advisory commissions (one constructive and the other critical) may dominate their enterprise and hold their administering servants to account. The several known defects in the existing institution and the devices proposed for overcoming them are as follows:

The device which is proposed to make the policy-determining body truly representative of 100 per cent of the electorate and arranging them by constituencies to be represented is *proportional representation.*

The device which is proposed to enable the *representative town meeting* to serve the community effectively as its deliberative organ, is an organization within it and a procedure for *intelligent criticism as well as constructive planning.*

The device which is proposed to

enable the electorate to give voice to assent and dissent to decisions reached in the representative body with full information, is *open forum discussion* of policy and finance.

The device which is proposed for relieving persons in position of corporate trusteeship from the necessity for compromise with persons who are playing politics, is to *take the business of government out of politics*—to make the general corporate offices and administrative positions of leadership non-political—requiring that all questions of policy, in relation to which general or administrative officers may be called on to act in advisory relation, shall be discussed in the open and depriving those in executive position of a vote.

The devices proposed for making the administration efficient are: the *commission-manager idea* (decentralized to meet local conditions), the selection of the controlling department boards by the town meeting, charging each of these boards when appointed with the preparation of plans and a budget to be approved by the representative body—charging each with the employment of an expert as the managing head of the departmental service—and the application of the *merit system*.

The devices proposed, for centralization of responsibility of the elected to the electorate, are the *short ballot;* the organization in the representative town meeting of an executive committee made up of the majority leader as chairman and the chairmen of the several departmental boards; the organization in the town meeting of a critical *committee on audit and review* made up of a personnel chosen to perform this function within each department; the appointment of a *town planning commission*, advisory to those in constructive leadership; and the appointment of a *finance commission* advisory to those who are charged with critical leadership in the representative town meeting.

The devices proposed, for enforcing accountability in positions of trusteeship, are *impeachment, removal* after judicial inquiry and *recall;* and in policy determination, the *initiative* and *referendum*.

The devices proposed for vouchsafing integrity of operation of the charter (as a plan for insuring open forum deliberation, responsiveness of the town meeting to public opinion, and the continued confidence of the people) are *open direct nominations*. To give to citizens and non-official groups the right of *petition and remonstrance* with opportunity to be heard and to place the proceedings of the town meeting under a non-partisan presiding officer. The device is a non-political elected moderator.

UNORTHODOXY OF PROPOSALS—ADAPTATIONS TO TYPE

Most of the devices proposed are well known to citizens. In them there is nothing new, in principle at least. But in proposing each, special thought has been given to its adaptation. As has been said; Norwood's charter is a decentralized-commission-manager type. Because its charter is of a decentralized type, in applying the specific devices noted above, little of the logic which has been used in developing and discussing the advantages of the "orthodox" or centralized type of commission-manager government is applicable.

Because it is proposed that each representative should act as and for a small group of neighbors (persons who could meet together with their representative), neither the Hare system nor the List system of proportional representation could be used without

modification to suit the specific plan and type. Of the two, it is thought that the principle of a single transferable ballot, the Hare system, could serve better.

Other well-known devices are specifically adapted for obvious reasons. Only two are new to town organization, viz.: the device here proposed for nominations—which is a combination of plans heretofore tried out; and the device proposed for open forum deliberation—which though new to us in principle at least, is as old as parliamentary procedure. Because no existing plan of nomination so far used has worked satisfactorily, this new combination method is proposed.

Because no procedure has been in use in town government for insuring open forum deliberation which is adapted to a full and free discussion of questions of public policy after adequate preparation and with able leadership, the procedure, fully described below, has been suggested, in which responsibility for its faithful enforcement is definitely located in the moderator. This proposal has a very definite experience back of it in parliamentary usages as developed in other countries.

DISCUSSION OF PROPOSALS

The proposals as outlined have not yet been laid before the Committee of One Hundred, for two reasons: Charter amendments will require legislation and the plan cannot be put before the Massachusetts legislature before next January; the sub-committee has sought to obtain the advice of specialists and national societies interested in the promotion of different devices for the improvement of town organization before submitting a draft for discussion by the people of Norwood. Already the outline draft has been modified in many particulars as a result of correspondence and conference with students of government, secretaries and other officials of civic bodies. It is in response to request for publication coming from several sources, and in the hope that further helpful discussion will result, that the draft appears in this form. Inquiry, criticism and constructive suggestion by readers of the NATIONAL MUNICIPAL REVIEW is therefore invited by the sub-committee.

OUTLINE DRAFT OF PROPOSED CHARTER

[This is intended as an outline sketch of charter only, with explanatory notes. Its purpose is to give to the reader a comprehensive view of what this particular type of town organization would be, as an adaptation of an existing structure, if the proposed charter changes were adopted. The structural part which is new (aside from the substitution of the representative town meeting for the old form) is shown on Chart IV. This has to do entirely with the organization of the representative body. As is pointed out there are two essentials to policy determination; viz.: constructive planning and critical review and discussion of plans proposed. It is to provide the instrumentalities for those two essential processes that the new parts are added. The other structural changes proposed are in re-arrangement of existing parts to adapt them to the new design. What this re-arrangement would be is shown in Chart V. This graphic, it will be noted, is divided (from top to bottom) into three parts. In the bottom section the existing service organization is described. The five departments there shown (the "administration") are the existing motor parts of the local political machine. The two sections shown above (the first and the second) constitute the proposed mechanisms of control. These are the electorate, the general officers and the representative body. Each of these have specialized controlling functions, but as in mechanical devices, each controlling mechanism should supplement and co-operate with the other. Because all the changes in detail follow from the introduction of the "*electoral-representative*" principle of control as a substitute for the representative town meeting in place of the old type of popular assembly—Chart VI has been prepared. The aim of this chart is to aid the reader in visualizing the physical arrangement of those two controlling mechanisms which stand in between and therefore must "engage" the electorate on the one hand, as the *prime controller*, and the several departments of administration on the other as the motor parts. The general officers are controlling devices which were worked out by autocracy and have for their function guardianship. These have been taken over by democracy as needful to the administration of a trust. But unless the *electorate* can be made effective, the distinctive purpose of democracy—popular control—would be lost. It would be just as well to go on with the make-believe town meeting which we now have as to introduce a representative body which was not representative, or, being representative, had no adequate means of defining and settling issues in a manner such as would keep the electorate informed. The problem is to make the electorate and representative town meeting together do what the popular assembly did when the town was a small, simple, neighborly community, most of whom attended the Congregational church on Sunday and went to town meeting even more religiously. The problem is one of popular control—to make the proposed representative town meeting an effective organ of deliberation and publicity, without imparing *ability in leadership*, *fidelity* in custodial office, or *efficiency* in the several departments of administration. The whole organization must be considered as a device for administering a trust in such manner as is consistent with the desires of

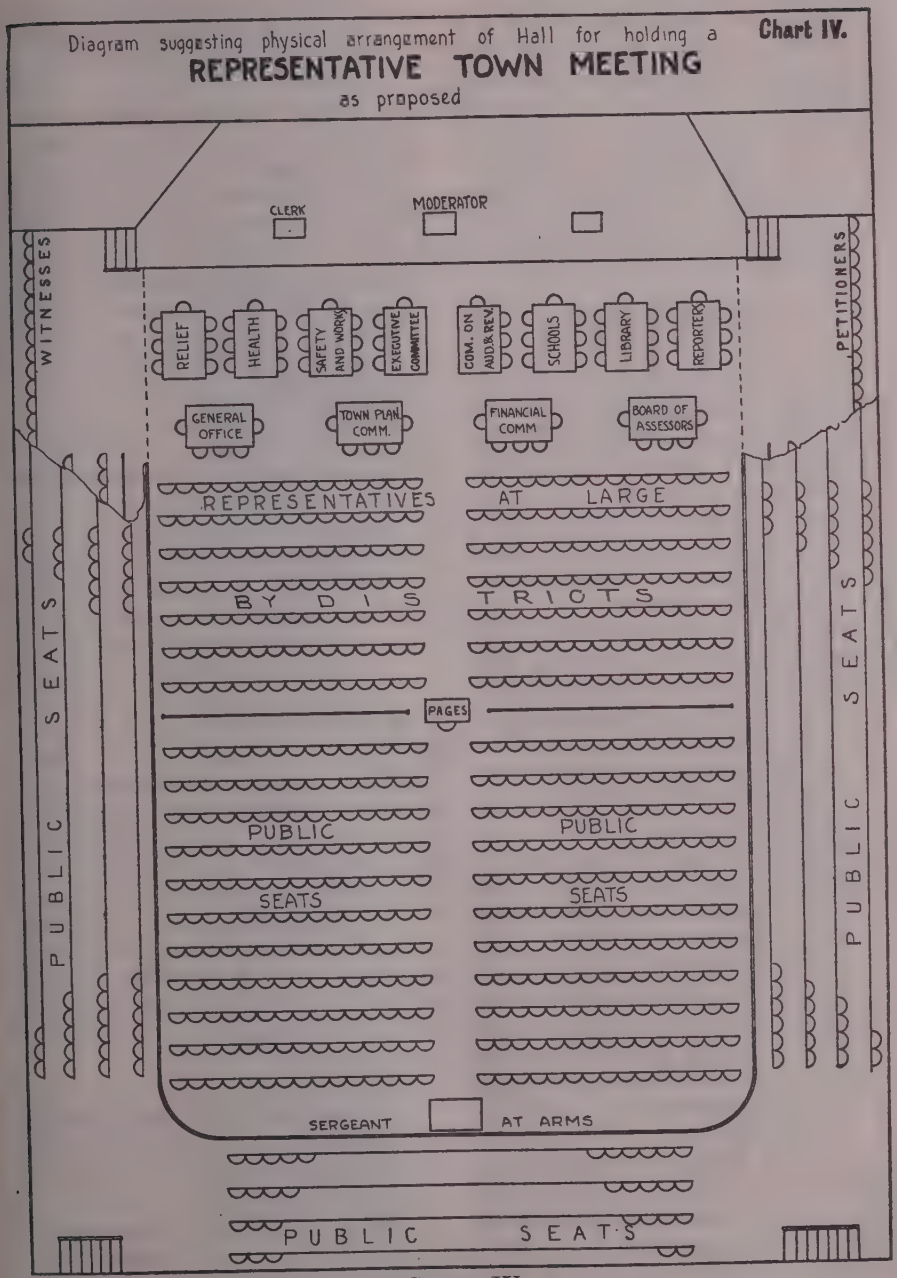


Diagram suggesting physical arrangement of Hall for holding a
Chart IV.
REPRESENTATIVE TOWN MEETING
as proposed
CLERK
MODERATOR
WITNESSES
PETITIONERS
RELIEF
HEALTH
SAFETY AND WORKS
EXECUTIVE COMMITTEE
COM. ON AUD. & REV.
SCHOOLS
LIBRARY
REPORTERS
GENERAL OFFICE
TOWN PLAN. COMM.
FINANCIAL COMM
BOARD OF ASSESSORS
REPRESENTATIVES
AT LARGE
BY DISTRICTS
PAGES
PUBLIC SEATS
PUBLIC SEATS
PUBLIC SEATS
PUBLIC SEATS
SERGEANT AT ARMS
PUBLIC SEATS

CHART IV

beneficiaries. Because the representative body as a controlling device, if it serves its purpose, must reach into every phase of municipal life and experience, it is necessary to have the whole plan of organization clearly in mind in order to think intelligently about any of the problems of incorporation—therefore the charts—therefore the general outline of organization which follows as Section I.]

I. GENERAL OUTLINE OF PROPOSED CORPORATE ORGANIZATION

1. *Electoral Functions—Constituencies and Popular Assemblies.*—For purposes of representation in the "representative town meeting" a constituency, as distinguished from the town electorate as a whole, to consist of forty qualified electors, who join in electing a representative, or who may meet for conference, discussion, or other action. Action by electorate to be limited to nominations, elections, petition and remonstrance, initiative referendum and recall. (See Section II.)

The functions of the town meeting being transferred to an electorate, whose duties would be limited as described above, and to a representative council, it is not assumed that popular assemblies would thereby be done away with; rather that meetings of constituencies would be frequent, for the consideration of public questions; that these would more usually take the form of "parlor caucuses"—meetings of normal friendly groups who might constitute the units of representation.

2. *General Corporate Officers*—persons elected to serve as guardians of charter rights, trustees of proprietary interests, and custodians of corporate records and funds. For list of such officers see below Section III.

These would be the same general officers as are now elected; but, instead of being chosen annually, each would have a tenure of four years.

3. *Central Controlling Body—a Representative Town Meeting* described below (see Section IV et seq.)—responsible for general ordinances and general policy; for the number, size and functions of departmental boards and central advisory and critical commissions—subject to referendum; for the selection of members of such boards and commissions; for raising revenue, and authorizing expenditures.

This is the only new part proposed in the revision; it would take the place of and take over the functions of policy-determination and control over the purse exercised by the old-time town meeting. The electoral function so far as applied to the choice of general officers, and final determination on appeal would be transferred to the electorate.

4. *Departmental Boards* (see below Section V)—responsible to the representative body for departmental policies and regulations; for leadership in the preparation and submission of plans and estimates; for the adaptation and development of the public service to meet community needs within the authority granted them by the representative body; and for the selection of technically qualified administrators with an efficient personnel to execute plans approved.

At the present time the board of selectmen (safety and engineering) is composed of five members, three years each; the school board has a membership of six; the library board has a membership of six; the health board has a membership of three. The members of each of these boards have overlapping tenures of three years.

CHART V: Showing organization and suggesting procedure of the Representative-Town-Meeting to provide for intelligent planning and criticism of the administration of the several departments of public service.

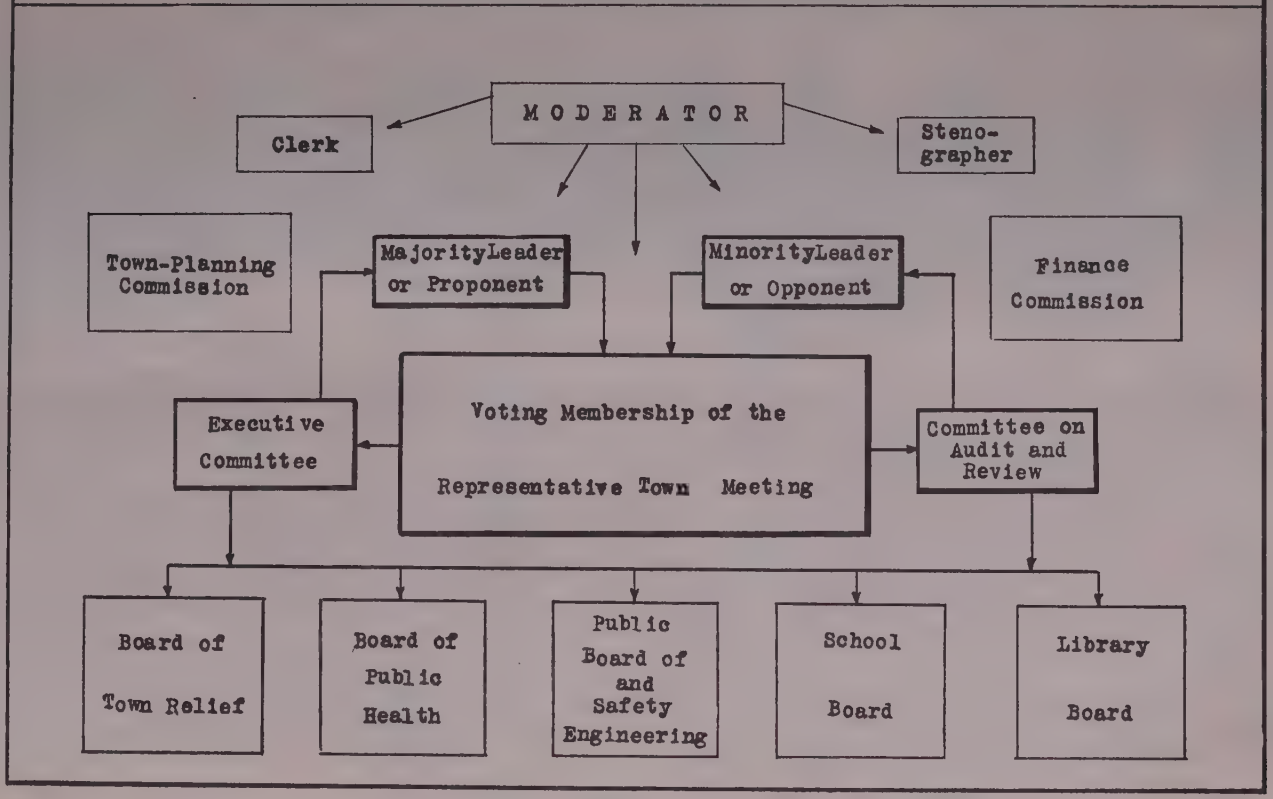


CHART V

The board of relief has a membership of three with a one year tenure only. While for purposes of majority and minority representation in three boards the number of members would be changed, the functions of each board would remain the same as initially.

5. *Town Planning Commission*—a board for critical examination and report on plans and proposals for the development of the public service so far as this has to do with the physical improvement of the town, and for independent recommendations, in relation to general town development; also for making constructive recommendations for charter or other changes in corporate organization and procedure with a view to making the town organization an effective device for serving the community.

The same board as at present except the powers would be enlarged. For choice, composition and powers, see below Section VI.

6. *Finance Commission*—a board for critical examination and report on the finances and the acts and proposals of administrators of the public service—and for making independent recommendation in relation thereto.

The same board as at present; for choice, composition and powers, see below Section VIII.

From the above it is to be noted that the only new governing agency proposed is the representative town meeting. As before pointed out, this would take the place of the old town meeting which, since the introduction of the "decentralized-commission-manager" plan, has been little attended—decisions now being reached beforehand *in camera* between the general corporated officers, the administrative boards and the finance commission. The further new features have to do with making the town meeting truly representative, and with providing an organization and procedure such as will enable representatives and voters to act with deliberation based on knowledge. Therefore proposals for direct nominations; proportional representation; open forum deliberation, etc. See Section VII–XIII.

II. NOMINATIONS AND ELECTIONS

1. *Elected Personnel and Their Tenures—The Short Ballot.*—a. The elected personnel to be the general officers, the board of assessors, representatives and their alternates.

If it seems best, the assessors could be chosen by the representative town meeting. But there appears to be good reason for having them and the general officers so elected as they should be kept out of the political alliances of the policy-determining group; they and the general officers are in the nature of a safety device; they are to be charged with trusteeship for records and funds, and with general corporate guardianship, while the representatives are wrangling over matters of policy.

b. At the first municipal election after the revised charter goes into effect, general officers to be chosen by the electorate for tenures as follows: Mayor-moderator, four years; town clerk and accountant, three years; town treasurer, two years; town attorney, one year. Thereafter as the tenure of each general officer expires, his successor to be elected for a term of four years. A board of five assessors would also be chosen altogether for a three-year term, by proportional repre-

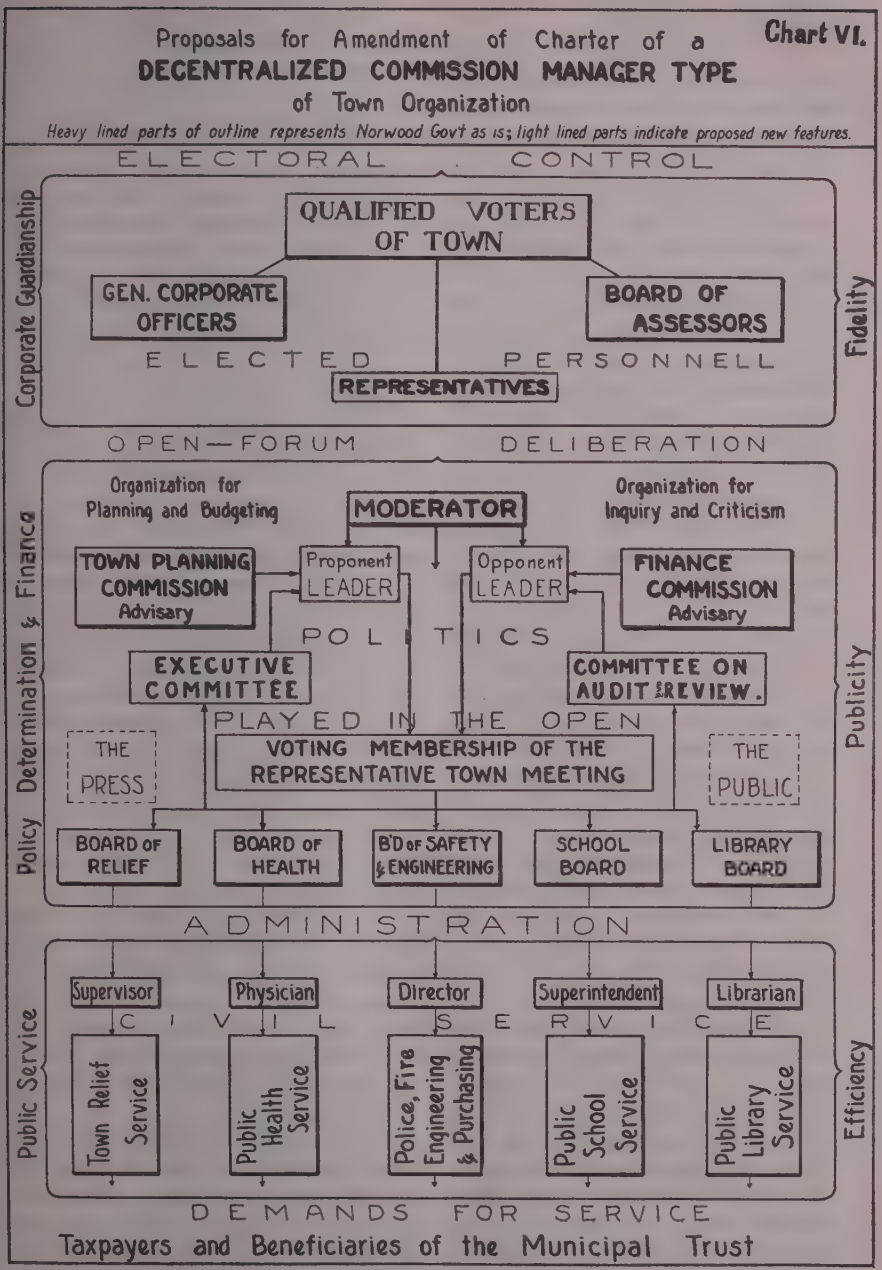


Chart VI.
Proposals for Amendment of Charter of a
DECENTRALIZED COMMISSION MANAGER TYPE
of Town Organization
Heavy lined parts of outline represents Norwood Gov't as is; light lined parts indicate proposed new features.
ELECTORAL CONTROL
QUALIFIED VOTERS OF TOWN
GEN. CORPORATE OFFICERS
BOARD OF ASSESSORS
ELECTED PERSONNELL
REPRESENTATIVES
Corporate Guardianship
Fidelity
OPEN—FORUM DELIBERATION
Organization for Planning and Budgeting
MODERATOR
Organization for Inquiry and Criticism
TOWN PLANNING COMMISSION Advisary
Proponent LEADER
Opponent LEADER
FINANCE COMMISSION Advisary
POLITICS
EXECUTIVE COMMITTEE
COMMITTEE ON AUDIT & REVIEW.
PLAYED IN THE OPEN
THE PRESS
VOTING MEMBERSHIP OF THE REPRESENTATIVE TOWN MEETING
THE PUBLIC
Policy Determination & Finance
Publicity
BOARD OF RELIEF
BOARD OF HEALTH
B'D OF SAFETY & ENGINEERING
SCHOOL BOARD
LIBRARY BOARD
ADMINISTRATION
Supervisor
Physician
Director
Superintendent
Librarian
CIVIL SERVICE
Town Relief Service
Public Health Service
Police, Fire Engineering & Purchasing
Public School Service
Public Library Service
Public Service
Efficiency
DEMANDS FOR SERVICE
Taxpayers and Beneficiaries of the Municipal Trust

CHART VI

sentation, with the single transferable vote (the Hare system).

Normally, therefore, the number of names for which each elector would vote would be as follows: one general officer; one assessor; and a representative. It is probable that the general officers and assessors who proved satisfactory would be continued in office for many years. In any event the candidates would probably be persons well known. And since the number of votes needed to elect representatives and alternates would be small each voter would have a sense of nearness to the controlling body. The representative and voter would be in much the same relation of attorney and client. In former drafts provision was made for representative at large (of constituencies of 150) and district representatives (of contituencies of 50). It has been thought that the same end would be reached by application of the principle of "proportional representation" with constituencies of a quota of 40. Either would result in a council of about 100 members if all the electorate voted—reduced by just the extent to which voters stayed at home. The present proposal has the advantage of the short-ballot.

It is also to be observed that we would have in fact two representative bodies; one for assessments; the other for the exercise of general controlling powers. By giving the board of assessors a membership of five elected by the Hare system, every considerable town wide interest could be represented. Quoting from a letter on this point from Mr. Hallett of the Proportional Representation League:

> In line with the ancient sentiment "Taxation without representation is tyranny," it seems desirable that the board of assessors, which is made responsible for all valuations of property, should contain a representative qualified to safeguard the interests of each voter, whether he votes with the majority or not. A thoroughly representative body can be trusted not to sacrifice the interests of the whole to those of any one section. If, for these reasons, proportional representation is adopted, there is no need for overlapping terms of office: if members are encouraged to stand for re-election, sufficient continuity of personnel is assured by the method of election. On the contrary, adequate representation of all elements cannot be secured unless more than two—preferably five or more—are elected together at one time.

Another reason for the three-year term proposed is that it would require about three years to complete a re-assessment program, after which the membership *might* well be brought before the electorate for judgment.

2. *Open and Direct Nominations.*—Three ways in which persons whose names are to appear on the official ballot may be nominated, viz.: (1) by operation of law; (2) by nomination from the floor at a special town meeting; (3) by petition.

a. *By operation of law:* All incumbents of elective offices whose tenures expire or have terminated, representatives and their alternates to be nominated for re-election by the town clerk, as a matter of official duty, in the manner described below in Section II, ¶ 3.

b. *By nomination from the floor:* Other persons may be nominated for general corporate officers, representatives by vote of not less than one-fourth of the members of the town meeting, sitting as described below:

Normally the town meeting would thus constitute a caucus for

the nomination of candidates for general offices in opposition to incumbents; it would therefore be well to permit one-fourth the membership to nominate. The only use which would be made of the right to nominate representatives and alternates, would be to insure the nomination of persons desired as leaders—which would seldom be required, since leaders would usually be members and therefore would be nominated by the town clerk as above.

c. *By petition:* Nominations by petition to require the signature of 100 qualified voters for corporate officers, and 20 qualified voters for representatives and alternates—each petitioning constituency to have a right to representation on the floor when nominations are under discussion (see below Section II, ¶ 3, part 6), said representative to be designated in petition or in default thereof by consent of the majority voters of the petitioners present at the caucus meeting

A candidate for representative with a full quota of supporters might not have a full quota who would be in a position to support him publicly. A reasonable provision, if one seems needed to keep the names of hopeless candidates off the ballot, would be to restrict each voter to the signing of one petition for each office.

3. *Town Meeting to Sit as Nominating Caucus.*—Not less than two or more than four weeks before each election a special representative town meeting to be called to sit as a nominating caucus over which the moderator would preside and the town clerk would act as secretary.

a. All nominations to come before the caucus for discussion.

b. The following to be among the items in the "Order of Business" on the calendar of the town meeting sitting as a nominating caucus:

(1) Reading by the town clerk of list of persons in nomination by operation of law;

(2) Withdrawal of names by incumbents who do not consent to stand for re-election;

(3) Reading by town clerk of list of persons nominated by petition;

(4) Nominations from the floor;

(5) Discussion of nominations for each office or position to be filled in turn following the order of the official list as presented by the town clerk under rules announced by moderator if not previously determined by ordinance;

(6) Balloting on nominations made from the floor to determine whether said nominees have the necessary support in the town meeting caucus to entitle them to be placed before the electorate.

4. *Publication of Results.*—The town clerk to publish for the information of the electorate all nominations thus made, within one week after special town meeting. Voting not to be limited to the names appearing on printed ballot; other names may be added by the voter when preparing his ballot, by use of stickers or writing in.

One of the most dispiriting aspects of our public life is the condition in which an elected servant finds himself, after giving to the public the best that is in him, when by act of a political boss, or through some kind of jockeying or trickery, or machine rule, he finds that his name has been dropped from the list—with no thanks, no questions asked, and no way of knowing what is charged against him or of facing accusers and malcontents. If he has conscientiously taken a position which has exposed him to covert attack and aroused secret opposition, the controversy

should be brought into the open. The more ancient view of an election was that it was a chance to turn men out of office. This went along with the idea that government is a necessary evil to be abated, by the process of "rotation." But since we have come to look to the government for *service*—as our most important service agency—an election has come to be regarded as an appeal to the electorate for support of existing responsible leaders and the policies for which they stand. The corollary of this assumed purpose of an election would be to permit the electorate—after deliberation, with full knowledge of facts and after listening to the arguments of opponents — to choose to withdraw support and give it to someone else. The only way to get rid of trickery in politics as well as business is to insure to the honest straightforward person a square deal. In the public interest, therefore, the faithful employee should always be considered as a candidate unless he withdraws his name—the faithless should be fired by the employer not by the crowd looking for his job.

Nominators by petition should be given opportunity to enter into discussion of issues and the fitness of nominees at the special meeting, or caucus, described above. And in case a question of policy on which representatives have taken sides is in issue, opportunity should be given to the minority as well as the majority to present the names of candidates to go before the electorate. Above all the official nominating procedure should be one which admits of discussion of the claims to the support of all candidates, in open forum, for the information of the electors.

Thus the nominating caucus would be one of the two occasions on which the business of the community could be fully gone into and dramatized; the other occasion would be when the budget as the service program of the newly elected leaders would be presented —provision for which is suggested in Section VIII below. An open forum procedure for deliberation is a thing that has many times been urged in appeals for public support when new methods of nomination have been proposed—such as have given rise to the old form of caucus and the "convention"; but neither the caucus nor the convention has been taken seriously enough by the public to make either of them an effective part of the governing process. Neither has been placed strictly under guardianship as have our legislatures and courts; yet the decisions to be reached through them are of supreme importance. These are among the reasons which are urged for some such nominating procedure as above.

5. *Election of Representatives and General Officers.*—All elections to be conducted according to the preferential system of voting known as the "single transferable vote" or "Hare system"—each voter being required to indicate his preferences on the ballot for each type of office to be filled by means of figures (1, 2, 3, etc., placed opposite the names of as many candidates for each office as he wishes, whether regularly nominated or indicated by "stickers" or "written in.")

a. *Election of General Officers.* The Hare system to be used as "a system of majority preferential voting" for all offices to which a single person is to be

elected. If no candidate receives a majority of first choices, the candidate lowest on the poll would be dropped, one at a time, and their ballots transferred to the next choices marked on them for candidates still in the running, until one candidate receives a majority.

(Officers who stand in the relation of trust or custodianship to the community as a whole, should be persons who have the confidence of a majority of the whole electorate.)

b. *The Election of Representatives.* The town to be divided into four districts ("North," "East," "South" and "West") each voter to have the right to help elect one representative at large from his district, the quota required for election being 40. Every candidate having 40 "first choice" votes from his "district" would be elected on the first count. If any candidate had more than he needed, his surplus ballots would be transferred to the next choices marked on them for unelected candidates. After all the surpluses had been transferred in this manner, the candidates with fewest ballots would be dropped one at a time and their ballots transferred to the next choices marked on them for candidates still in the running. Every candidate who in this way receives the support of 40 voters would in turn be declared elected, until less than 40 ballots still remained to be finally disposed of. Alternates for elected members to be chosen by further examination of the same ballots as provided for in the paragraph "d" below.

c. *The Election of Members of Boards and Commissions.* The Hare system to be used as "a system of proportional representation" for all members of boards and commissions to which more than one is to be elected.

By this method every constituency or considerable group would have representation according to its strength.

d. *Recount of Votes for Alternates.* The regular election ballots to be preserved until after the organization meeting of the representative body—the recanvass of votes for alternates to be deferred until after the first or "organization meeting" of the representative body. All the vacancies created in each "district" representation in the representative town meeting by the election of members to boards, commissions or other offices by the representative body, or by death or resignation before the "organization meeting," to be filled by a single recount of all the ballots which proved to be ineffective in the original count for representatives, the quota to be the same as in the original count. An alternate then to be chosen for each member whose place has become vacant by a recount of the ballots which elected him, according to the Hare system applied to the election of one as a system of majority preferential voting.

Among the arguments which have been urged in favor of the foregoing proposals are these:

(1) As has been said, clear thinking about fitness and responsibility requires that, in choosing persons for public service and approving or disapproving their acts, a clear line must be drawn between (a) those performing *guardian* and *custodial functions*, (b) those engaged in *policy-determination*, and (c) those who execute plans or proposals after they have been approved—*administration*. When such distinction is made as a matter of organization, it is only in the choice of the policy determining group that questions of politics enter. Presumably the personnel of the controlling body, its majorities and minorities, might change as often as public opinion might

change, in expressions favorable or unfavorable on questions at issue between leaders constructive or critical, without in any manner causing citizens to doubt the fidelity, or question the ability of the "general corporate officers" described below (Section III). These might hold (in fact it would be to the advantage of all concerned for them to continue to hold) as long as their services were satisfactory. Similarly it would be of advantage to all concerned to have persons who had developed expertness or who had demonstrated capacity for administration (such as engineer, superintendent of schools, health officer, relief officer, etc.) retained in the service without respect to the changing personnel casting the "ayes" and "nays" in the deliberate policy-determining bodies or boards.

(2) The chief reason for the "representative" character proposed for the town meeting as distinguished from the present type has been set forth in the introduction. To this we may add that it would insure attendance of persons who represent 100 per cent of the voters as a matter of duty and honor; it would insure that each session would be made up of persons known to and trusted by the constituency which elected them; it would insure confidence by making each constituency a normal group in the community and small enough to meet their representative. The representative town meeting would provide the means of reconciling the smaller loyalties in the town with the larger purposes of the community as a whole. Thus the deliberative assembly would be a complex or federation of constituencies thereby bringing into organic relation the larger population which makes up the community of to-day; and the several like-minded groups would become the true unit of democratic society, as in former days.

(3) The reason for dividing the town into four districts for purposes of election of representatives would be that there are four normal divisions. "South Norwood" has a population with community interests which should be recognized when questions of town policy and finance are being considered in any and all of the departments of administration and town planning; "East" Norwood now contains a large population with inadequate school and other facilities and has a very immediate interest in street and other extensions. "North" Norwood has in it the principal business district; "West" Norwood has its distinct developmental needs.

(4) The reason for the election of alternates, would be to provide against vacancies occasioned by resignation, or appointment to administrative position — thereby providing for a full quota of voting representatives after organizing the several departmental boards, the chairman of the executive committee and the chairman of the committee on audit and review.

III. GENERAL OFFICERS AND ASSESSORS

1. *Mayor* (*Moderator*)—same duties as the present moderator—a non-partisan, non-executive head of the town government—the official representative of the whole politically organized community on all occasions where such representation is called for.

2. *Town Clerk and Accountant*—same duties as at present.

3. *Town Attorney* — same duties as at present.

4. *Town Treasurer and Collector of Revenue*—same duties as at present.

5. *Town Assessors*—same duties as at present.

Already it has been pointed out that the general officers as a group, would be charged with responsibility to the community for guarding the intent and purpose of the corporate charter, defending the legal rights of the enterprise as a whole, and acting as trustees and custodians of funds and records—but who would have no participation in partisan alignments developed in processes of planning, approval of plans, and execution of plans and policies after they have been approved. In this respect they would be part of the mechanism of corporate control. Attention is again called to the fact that the four general officers would be elected for overlapping tenures of four years each—only one being elected each year unless a vacancy occurred by death, resignation or removal; and that the policy-determining (political) members of the government would be elected each year. The machinery for resolving controversies is to be found in Section IV dealing with "town meeting" and in Section V dealing with "administrative boards" and in other sections supplementary thereto. See also provisions with respect to nomination and elections, Section II.

IV. CONTROLLING REPRESENTATIVE BODY (REPRESENTATIVE TOWN MEETING)

The representative town meeting would be made up of two classes: "Voting members"; and "non-voting members."

1. *Voting Members.*—The voting membership of the central controlling body to be composed of approximately 100 representatives.

Instead of having an irresponsible Citizens' Committee of One Hundred as at present, the voting members would thus constitute a responsible citizens' committee of "One Hundred." They would act as a constituent assembly when sitting as a *nominating caucus*, and when sitting as *an organizing body* —selecting the departmental boards and advisory commissions; they would act as a law making body when considering and enacting general ordinances; they would act as a policy determining and controlling body, when considering and passing the budget. In these later relations they would serve as a legally constituted political jury to sit on and determine issues involved in proposals having to do with public policy or finance administration. It is to be noted that the number of voting members of the representative body would depend on the number of ballots cast by the electorate.

2. *Non-voting Members* (*ex-officio*). Every person who is charged with direct official responsibility and who therefore would be called on to appear before the representative body, to have seats and all privileges of the floor, without a right to vote, viz.:

a. All general corporate officers;

b. An executive committee with a chairman and ex-officio the chairman of the several departmental boards;

c. A committee on audit and review —with a chairman and ex-officio the departmental auditors;

d. Town planning commission;

e. Finance commission;

f. The departmental boards each with its administrative officer;

g. Such persons as might be employed to represent any of these groups as attorney or advisor when duly certified to the moderator.

This would bring all custodial officers, all administrative board members, and their executives, and the two general advisory agencies of the town with their clerks and experts into the forum for purposes of giving information and taking part in discussion. When questions were taken up, all parties in interest would be present. This would seem to be necessary to open forum deliberation and intelligent action. In case it is desired the Hare system of P. R. in its usual form could be used instead of the method suggested.

3. *The Public and the Press.* Seats to be conveniently placed for the accommodation of petitioners and their representatives, and duly accredited members of the press.

Something has already been said of the assumed advantages of providing for a central representative controlling body and of applying a principle of election which would insure that the various constituencies, as they actually exist in the town, would be present in the persons of their representatives. But proportional representation alone cannot cure the constitutional defects from which our representative bodies (local and other) have suffered in the past. Nor does it alone offer a solution for invisible irresponsible government. As in the case of the courts, the representative branch of our governing agencies is assumed to be a deliberative body. From experience we know that action which is deliberative must be based on knowledge of actual happenings—experience—evidence and the opinion of experts. Thus no court will undertake to decide a purely academic question; and all courts insist that the attorney for every party in interest shall be present when questions of justice are being decided. In courts of law and equity great care is exercised to insure that the controversies to be decided in the interest of the public shall arise out of conditions which are real or "actual"; and that the issues shall be presented by the real parties in interest or their attorneys. In matters of public business (custodianship and administration), the only one best qualified to represent one side of a question in controversy is the one most intimately connected with the business under review. The psychologist tells us that action which is not based on deliberation—the weighing of evidence, judgment based on experience—must necessarily be impulsive. The aim of democratic political organization is to provide a means whereby every question of political or social justice may be decided by process of deliberation in order that impulsive action may be prevented. It is therefore proposed that the town meeting be a forum in which *real issues* growing out of considerations of public welfare be *presented by responsible officers* or other persons charged with a duty to perform; that questions of policy be raised and discussed in the representative body by the acting parties, and their critics thereby bringing before representatives and the public not only issues which are mooted but also the acts and experiences of persons who have had contact with the problems out of which

practical questions have arisen. Under their leadership the practical questions which have arisen would be in continuous process of dramatization. The assumed advantage of this type of organization and procedure is further enlarged in the note subjoined to Section XI headed "Organization of the Representative Town Meeting." See below.

V. DEPARTMENTAL BOARDS — DECENTRALIZED ADMINISTRATION

1. *Administrative Boards.* — To be elected at the first or "organization meeting" of the representative body after the annual general election. Each board to be composed of six members, to be chosen annually by the representative controlling body as follows:

a. *Board of Public Safety and Works,* with powers same as selectmen under the present charter;

b. *School Board,* with same powers as present school committee;

c. *Library Board,* same powers as at present;

d. *Board of Health,* same powers as at present;

e. *Board of Relief,* same powers as at present;

It is to be noted that these boards differ widely in importance; but for local reasons it is thought that for the time being, no re-arrangement should be suggested it being indicated as among the powers of the representative town meeting to re-arrange or enlarge on these powers or to create new departments at will. The only change suggested in this draft is that, instead of being chosen by the electorate, as four out of the five are at present, they all would be chosen by the central controlling representative body. The purpose is to co-ordinate the constructive planning without interfering with their independence in administration by making the several boards serve as committees of the town meeting with delegated powers—responsible for departmental constructive policy and the discussion of issues arising out of departmental needs. The unification of departmental policies with a general plan of community development would thus be made a function of the central controlling body for which purpose an executive committee is proposed—to be made up of a chairman of the executive committee, who normally would be the leader of the majority in matters of organization, and the chairmen of the several boards. The representative town meeting would provide the means for the definition and intelligent consideration of issues when considering the make-up of the administrative boards, as well as at the time of passing the budget; this would enable the people to keep the issues and discussion before the central body through the year without confusion of responsibility.

2. *Method of Election.*—Each board to be chosen by a simple proportional ballot, members of the town meeting and other qualified electors of the town both being eligible. The ballots cast for each board to be counted first according to the Hare system of majority voting to determine the majority choice for chairman, the runner-up on the last count being also elected as auditor (or leading minority member). The ballots then to be recounted three times by the same method (disregarding choices for persons already elected) to determine

three additional majority members—the runner-up on the first recount to be elected also as a second minority member, who would bear the designation of "Inspector."

> Thus the members on each board who represent the majority in the town meeting would have a two-thirds working superiority for determining questions of policy and for giving support to executives after plans were approved; but their actions and the acts of executives would always be subject to scrutiny, with full opportunity given for criticism by the minority members and public review of results. The plan would make the two minority members of each board—the auditor and inspector—responsible for knowledge of physical conditions as well as for the *visé* of expenditures.

3. *Chairman.*—Each chairman to preside at board meetings and to be responsible to the town meeting for representing the constructive leadership in presenting plans and estimates.

> This would be the leadership responsible to the town meeting for the service plan for which financial support is asked; and theirs would be the plans for public service which, when support is granted by a majority of representatives, would be approved for execution; for this reason a majority of each board should be chosen with a view to supporting the responsible leadership within the board.

4. *Auditors.*—Each auditor to be responsible to the town meeting for presentation of issues raised in his respective board in opposition, where issue is founded on plans and estimates; also to be charged with the duty of review and approval or disapproval of all payrolls and other obligations incurred before vouchers are sent to the town clerk and accountant for warrant. In the absence or incapacity of the auditor the second minority member would serve as assistant.

> The term "auditor" is here used in a non-technical, generic sense. The function is one of critical review of plans and estimates—a responsibility which is quite necessary to deliberation. One of the axioms of responsible, democratic government is expressed in the pre-revolutionary slogan "Eternal vigilance is the price of Liberty." But in the development of our public agencies since gaining our independence we have failed not only to provide adequately for the location of responsibility for constructive leadership, but we have also failed to provide adequate mechanisms and procedures for the exercise of "eternal vigilance"—the means whereby voters and representatives may have brought before them the facts necessary to intelligent action, at a time when policies are to be decided and when persons are to be chosen to carry them out. As a matter of experience it has been found that the only persons who can be relied on for eternal vigilance are those who are identifiable as serving constituencies who are political or policy "opponents," of persons who are to be held to account for preparing or executing plans. This is not only exemplified in provisions of the new democratic constitutions, as a means of enforcing official accountability (as in the case of the Irish Free State and the Czecho-Slovakian Republic) but the principle is accepted and acted on by our own majority leaderships in congress when the

president is not of the party. And when the executive and the legislative majority are in the same party the principle is recognized in their efforts to avoid accountability by preventing publicity. It is for this reason our party machines resort to secrecy and apply gag rule. By putting the auditing and inspection functions of each policy determining board into the hands of persons not linked up with the majority, an opposition leadership is given standing in every council to which the community looks for deliberation.

5. *Inspector.* The runner-up on the first majority member chosen after the chairman to act as "inspector" and to be charged with the duty of critical examination of building, plant and equipment and report on same, and of co-operation with the auditor in keeping members of the board, the finance commission and the chairman of the committee on audit and review informed about conditions requiring attention. Reports of the inspector as well as the auditor to be made a matter of record open to the public.

6. *Executive Agents or Administrators.* Each board to have a technically qualified or professional executive agent, manager, or administrator, to act as the responsible head of the public service organization under its jurisdiction—said technical head or manager to be chosen by the board for an indefinite tenure.

When means have been provided for effective criticism it has been found that majority leaders can be protected and public goodwill insured only when competent administrative agents are employed and retained. Thus the need of majority leaders, when held strictly and promptly to account, for the most able advice and capable administrators has proved the best possible guarantee of efficiency, and for the maintenance of professional standards.

7. *Department Policies and Procedures.* All departmental policies and orders to be promulgated by the responsible board—subject to review by the town meeting on motion of the executive committee or committee on audit and review of the town meeting, and to veto by the mayor; in case an issue is raised by veto the same to be taken to the next town meeting and there decided by the representatives of the town; all administrative departmental procedures subject to modification and approval by the board, to be promulgated by the administrative head of the service.

Since the mayor would be nonpartisan—in that he would be elected for four years, and would have no part in discussion of issues, and no vote—it would be only when a departmental or party decision in his opinion is opposed to the general corporate purpose or the welfare of the town would seem to be threatened, or an appeal to the electorate by a referendum would be indicated as the best way of harmonizing the interests of the whole associate group, that his veto would be exercised. In this relation it is to be noted that according to the plan of town organization herein outlined the policy determining and regulative powers would be divided between the central controlling body (the representative town meeting) and the several administrative boards —the former deciding questions of general policy and finance, the latter having jurisdiction over

administrative policies and executive orders. Responsibility for decision of matters in controversy in each case would rest initially on the body before which the business arose. Decision having been reached, each representative body or board would have its non-political administrative machinery for execution. That is to say: The general corporate executive machinery of the central representative body would be the general corporate officers; (see Section III); the public service administrative machinery within the departments would be under the boards. Recognizing these two aspects, therefore, it is needful that some means be provided for reconciling the policies and the loyalties of the general corporate controlling body with the departmental controlling bodies — in order that each might co-operate with the other in promoting what would be considered the best interests of the community. This would be done by the central controlling or representative body. As has already been pointed out, provision would therefore be made for a chairman and a working majority in each board who would work in harmony with the views of a majority of the central controlling body in formulating policies and granting financial support for the year; at the same time provision would be made for minority representation, and for active critical opposition and publicity, thereby keeping representatives and electors informed. To this end the minority representation would be organized and used as the responsible critics of the majority—*i.e.* the auditors and inspector in the several boards, would organize as minority leaders when issues are taken before the town planning commission, the finance commission, and the town meeting.

VI. TOWN PLANNING COMMISSION

1. *The Membership* of the town planning commission to consist of six persons elected by the town meeting by a single ballot. The ballots to be counted first by the Hare majority system to determine the chairman, the runner-up to be the chairman of the finance commission. The ballots then to be recounted five times by the Hare majority system, discarding choices for persons already elected to either commission, the winner of the first three recounts to be elected members of the town planning commission, and the runners-up to be elected members of the finance commission. The winners on the last two recounts to be elected to the finance commission and the runners-up to be elected to the town planning commission.

2. *Powers*—the same as at present, together with the further powers herein provided. The commission would have the right to employ, within the limit of its appropriation, planning or other experts to assist in its constructive and advisory work when needed.

Carrying out the general design of organization for purposes of deliberation—in which provision would be made not only for the presentation of opposing views based on experience but also for independent staff advice—the town planning commission would be a staff agency of constructive advice. Therefore, this staff agency should be in sympathy with the executive committee, the chairmen of the administrative

boards, the "doing" part of the corporate organization. Nevertheless in the interest of publicity and to prevent secrecy—having in mind the need for critical review and discussion both within the commission itself and without, as well as contact with opposing interests in the representative body and the electorate—one-third of the personnel of the planning commission would be elected by the minority, as determined at the time the chairmen and majority members of the administrative boards were commissioned each year to prepare plans.

VII. FINANCE COMMISSION

1. *Membership* of the finance commission to consist of six persons elected by the town meeting on the ballot by which the town planning commission is chosen, as already described above (Section VI, ¶ 1).

The town planning commission and the finance commission are conceived of as having equally important but complementary functions. The duties of each would lie in the same field—the one having the support of a majority at the time of organization, being responsible for constructive planning, the other for critical review and discussion of plans proposed and estimates supporting them.

2. *Powers.* The same as at present, with other powers added as herein provided. The finance commission would have the power to employ within the limits of its appropriation, a public accountant or other expert should this be deemed necessary.

Too much emphasis cannot be given to the mechanisms for giving balance to the constructive and critical processes of deliberative agencies. The finance commission—being a critical body, advisory to the town meeting and the departmental boards—would be able to function best when its leadership and controlling personnel is taken from or elected by the minority. At the same time, the demands of publicity and representation of the administrative and constructive agencies whose acts and proposals are brought under review, require that the majority be represented with full rights of membership—but without the means of obstructing the commission's work. The chairman and two-thirds of the members would therefore be chosen by a minority of the central controlling body at its organization meeting each year. Because of the manner of their choosing and the need for both constructive and critical planning and review, the two commissions might be thought of as opposing counsel, the one representing those charged with constructive leadership and the other representing the public as beneficiary for purposes of critical review and discussion. Being chosen for their ability as counsellors, it is probable that the same persons might be retained as members of the two commissions over a long period—a particular individual appearing as a proponent when his constituency favors the projects of the majority and as opponent when in the minority. Thus, one year a counsellor might be chairman or member of the planning commission and the next year he might be chairman or member of the finance commission.

VIII. MEETINGS

1. *Regular Meetings*, both of the central controlling representative body (the town meeting) and regular meetings of departmental boards to be held each month, unless a vacation of one month be taken in the summer time.

2. *Special or Adjourned Meetings*, as often as required.

3. *Dates of Meetings.* Initially and until otherwise determined, each of the several departmental boards to have regular meetings on the first Tuesday of each month (unless this be a holiday in which case they will meet the following day) and as often as called by the chairman; the town meeting to meet regularly on the second Tuesday of each month (unless this be a holiday in which case they will meet the day following); each board and the representatives to hold such special or adjourned meetings as might be necessary to transact the business before them. The meeting of representatives for organization and voting on members of administrative boards to be the first regular meeting following the election of representatives.

4. *A Certified Carbon Copy of the Minutes* of each board to be promptly transmitted to the town clerk where the same would be kept on file for public inspection.

5. *Order of Business*—among the items to be entered on the calendar or order of business of each board-meeting would be the following: One for "report by auditor"; and one for "report by inspector." (See Section V, ¶ 2 and notes which follow.) Such reports, when made, to be in writing; and copies to be promptly transmitted to the finance commission.

Having provided the machinery for deliberation and this machinery having been put in charge of a person (the mayor-moderator) whose duty it would be to keep it running, the purpose, in this section, would be to set up a schedule of running time so that certainty would be given to events and the time of the meeting of one board or deliberative body would not conflict with that of another. It would seem desirable also to provide a definite date for organization each year, as well as for the introduction and discussion of plans (the budget). It would also be desirable that rules be laid down governing the procedure of organization, and governing the discussion of issues to the end that adequate provision be made for publicity and for the development of critical judgment before voting.

IX. PETITIONS AND REMONSTRANCES—INITIATIVE

1. *On the Orders of Business*—a place to be made on the calendar at each regular meeting of the town meeting and of each departmental board for petition and remonstrances.

2. *Popular Initiative*—in case an ordinance or resolution be proposed by an individual citizen or by a citizen group, it would be received and considered as a petition.

3. *Public Hearings*—reasonable time to be allowed at meetings of boards and the town meeting for appearance of citizens in support of petitions and remonstrances.

Much thought has been given to the question of petitions, the right to which is guaranteed by our constitutions. How may unofficial civic leadership be made effective in a community and at the same time prevent its irresponsible or possible insidious use? "Petition" and "remonstrance" are forms of communication well suited to the formulation of questions for

consideration in open forum; but, to be effective, opportunity must be given for hearing. Should it eventuate that this is used to excess, special means may then be provided for hearings after references to a minority controlled committee; but this would seem unlikely in a place which provides for proportional representation and minority leadership for purposes of criticism and open forum discussion.

X. ORGANIZATION OF THE REPRESENTATIVE TOWN MEETING

1. *Different Capacities in which the Town Meeting Would Function.* The town meeting would function as a deliberative body in four capacities: (1) As an electoral body, when organizing itself and the several departmental boards and advisory commissions; (2) as a policy determining body when discussing plans and considering the budget; (3) as a law-making body when considering and passing ordinances; and (4) as a nominating caucus. For each of these purposes an appropriate order of business and procedure would be adopted.

2. *Presiding Officer and Clerk.* When acting in any and all of its several capacities the representative town meeting to be called to order or presided over by the moderator, or in his absence by one of the general corporate officers (other than town clerk) who would be called on to preside in the order listed above. The town clerk to be the recording secretary.

3. *Seating Non-voting Members.* After the first or organization meeting, appropriate seats to be assigned in separate groups to the five classes of non-voting members; viz.:

a. The executive committee;
b. The committee on audit and review;
c. The administrative boards;
d. The town planning commission;
e. The finance commission;
f. General officers.

Preferably the foregoing groups would be given seats around tables placed in front of and in full view of the voting members, in order that they might have the benefit of conference and facilities for handling documents. Tables should also be provided for the leaders in scheduled debates for like reason. For suggested arrangement and floor plan see Chart VI.

4. *The Chairman of Administrative Boards and the Leader of the Majority* are to be elected at the organization meeting by a simple preferential ballot and application of the Hare system of majority voting to determine the choice. They will constitute an executive committee. The departmental auditors and the leader of the minority (elected at the same time as the runner-up), will constitute a committee on audit and review, each committee to have the right to have some one present to represent them either as leader or in advisory capacity when controversial questions are under discussion leading up to a vote. The election of the majority and the minority leaders to take place before the election of the members of the departmental boards and the members of the advisory commissions.

5. In all matters in which there is organized opposition or a question in controversy is to be formally presented before the town meeting for decision by the voting members (other than on proposals of the chairman of the executive committee and opposed by the chairman of the committee on audit and review in consideration of the budget), after due notice the proponent and the opponent members would each be given opportunity to notify the

moderator as to who of their group would be looked to for leadership.

6. In all discussion in which the organized majority and minority, or other definite groups takes sides, the moderator to require that the issues be clearly defined in form of a motion, resolution, or ordinance; also that opportunity be given to each side to get at the facts through access to public records, interpolation, request for report, or other methods of obtaining evidence and submitting same to critical review.

7. No argument to be made by a proponent, or vote to be taken for decision, on a question of general policy or finance, before full opportunity is given to those who have given notice of intention to appear as opponents to learn upon what facts the proponent relies to support his contention. To this end a definite procedure would be laid down for giving opportunity to members for "questioning" or "interpolation" and to obtain "report on the facts," and for governing debate.

In this relation the following points are to be noted: (1) as before pointed out, the moderator is assumed to be an unbiased presiding officer in much the same position as a judge presiding over a trial by jury; (2) the town clerk would serve much as clerk of a court; (3) the voting membership would constitute the determining body; (4) the representative of every party in interest would have a chance to know what the issue is, prepare for trial, present and defend his cause in the face of his opponent; and (5) definite rules would be made for the development of a trial procedure on issues of public policy, as well as for the preparation of the case of the proponent and opponent under appropriate leadership. It is in this interest that care has been taken to preserve to a majority the right to control the "motor-activities" of the government and at the same time to stimulate and provide for the strongest possible critical leadership by utilizing and providing opportunity for the minority in each deliberate board and in the town meeting to appear, question, and develop the opposition. The town meeting would be an occasion on which the business of the community would be kept constantly before its citizens, by a procedure in which the most able men would come to serve the community as opposing leaders—so that whether a particular leader were supported by a majority or not, if he were a person of ability and kept the confidence of a constituency, his services would be retained. Thereby the strongest leadership would be kept in the service of the people on one side or the other of controversies arising out of the constant adjustments necessary to adapt local institutions to the changing demands of a progressive community. With such a procedure, the thought is that there would be no lack of interest, and no lack of vitality, in the representative controlling body of the town government. Most important of all, every forward move would have the backing of an informed public opinion.

XI. REFERENDUM

Referendum may be taken to the electorate on each next election day on any measure involving a question of general town policy as follows:

1. Upon order of the mayor;

2. Upon recommendation of a majority of either the finance commission or

the town planning commission and vote of the town meeting;

3. Upon petition of not less than three hundred voters;

4. Upon petition of one-third of the voting members of the town meeting. And if a matter of finance or general policy is of sufficient importance in the opinion of the mayor to warrant, the mayor to call a special election for submission of a proposal in regard to it.

As the referendum is commonly used, it has meant little and possibly it can never be more than means of preventing high pressure explosion. But experience in Switzerland, whence the device came, shows it has possibilities under a decentralized-commission-manager form of government which have not been realized here. The thought would be to make a referendum possible not alone by petition, which is always a difficult procedure, but to put the power in the hands of the mayor, as corporate guardian and into the hands of both the majority and minority central advisory agencies.

XII. ANNUAL BUDGET

1. The several annual departmental estimates to be presented to the finance commission within one month after the several administrative boards are elected.

2. The town budget to be presented to the town meeting by the chairman of the executive committee, at the second regular session of the town meeting after the meeting for organization.

3. After the budget had been presented as a whole, opportunity to be given to the chairman of the committee on audit and review, the chairman of the finance commission (and other members of the central controlling body) to raise for critical consideration and discussion questions of general policy.

4. Questions of general policy having been thus considered, the budget to be taken up for consideration in detail, for which purpose it would be made the special order of the day at successive town meetings held at intervals of not more than one week until it is passed—first consideration being given to the estimates of expenditures.

5. In taking up the estimates of expenditures for consideration and discussion, in detail, the town meeting would sit informally as a committee of the whole house—each chairman (or other majority member of each board acting as proponent), the auditor or inspector (or member of the finance commission) acting as opponent leader with respect to items in controversy. Each general officer would act as proponent for his estimates, in consideration of which a member of the committee on audit and review or the chairman of the finance commission would act as opponent on items in controversy.

6. After discussion each item in controversy with respect to which a division is called for, to be put to a vote.

7. After the town meeting, sitting as a committee of the whole "rises," the town clerk, as soon as practicable to publish or report in printed form estimates of expenditures as amended by vote in the committee of the whole house; this report would take the form of, and be entered on the calendar as, an appropriation bill or ordinance, but would not be put to vote as a bill until ways and means of financing had been discussed.

8. The revenue and borrowing program would then be taken up in committee of the whole in which the executive committee would present its recommendations. In case of opposition, a

division being called for, each item or question in issue would be put to a vote.

9. After the committee of the whole "rises," the town clerk to report the result in form of a finance bill or ordinance.

10. The budget as a balanced statement, with the supporting ordinances, would then be brought before the town meeting for enactment as a finance plan for the current year.

11. While the budget is under consideration the town to run on credits approved by the town clerk and accountant, as now provided by law.

12. After the budget is passed, the tax rate to be fixed.

Brief mention may be made on the point of suggested procedure, calling for initial consideration of departmental and official estimates in committee of the whole; this would do away with the formality of regular meeting and put every controverted item to a test vote after criticism and discussion, for the information of voting members and the public, without binding anyone until the whole financial plan was complete. The provision for petition, remonstrances (see Section IX) would also admit non-members to participate in discussion under proper regulation.